NEW YORK STATE SPECIAL COMMISSION ON ATTICA

In the Matter of the Public Hearings at NEW YORK, NEW YORK

Channel 13/WNDT-TV
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April 21, 1972
10:30 a.m.

Before:

ROBERT B. MCKAY, Chairman,
MOST REV. EDWIN BRODERICK,
ROBERT L. CARTER,
MRS. AMALIA GUERRERO,
AMOS HENIX,
BURKE MARSHALL,
WALTER N. ROTHSCCHILD, JR.,
MRS. DOROTHY WADSWORTH,
WILLIAM WILBANKS,

Commission Members
MR. MCKAY: This is the morning session of the public hearings of the New York State Special Commission on Attica.

We begin today with the eighth day of our hearings.

Mr. Liman, are you ready to proceed?

MR. LIMAN: One moment.

MR. MCKAY: They put us on a little earlier than we had anticipated.

ARTHUR EVE, having been duly sworn by Mr. McKay, was examined and testified as follows:

EXAMINATION BY MR. LIMAN:

Q Would you state your full name for the record?

A Arthur O. Eve.

Q What is your occupation?

A Member of the New York State Assembly,
I had been invited a number of times afterwards by the inmates to be the principal speaker for various graduations, be it the high school equivalency, D.V.R., the Dale Carnegie Program. I have also been out there to meet with the inmates on grievances, and so forth, and I tried to correspond with any inmate who wrote me.

Q Had you met with this superintendent, Mr. Mancusi, before?

A Yes, I met with Superintendent Mancusi several times.

Q You were in the D-yard at Attica on all days during these events, Thursday, Friday, Saturday and Sunday?

A Yes.

Q We have had a lot of testimony by other observers on the details of some of these visits, and I will try not to be unduly repetitive with you.

On Thursday, am I correct that you received the list of five demands and fifteen demands from the inmates and brought them out?

A Yes. There were two sets of demands, five and then fifteen to I guess twenty, the next time.

Q Among these demands was a request that cer-
tain private citizens come to Attica as observers, as well as members of the Press?

A Right.

Q Did the inmates define for you, Assemblyman, what role they wanted the observers to play at that time?

A Yes. Because of experiences at Auburn State Prison, the Tombs, Queens and other prisons within our State, the men felt that whenever things had happened before, they had hopefully negotiated in good faith with the State and the authorities and that subsequently after they had given up that things that had been agreed upon were reneged on.

And, therefore, they wanted observers there whom they had some confidence in, the various elements within the yard.

So that they could observe the negotiations between the State and the inmates in the yard; that we would subsequently serve as monitors after the whole thing was over and we could ensure that what had been agreed upon would in fact be carried out.

And that was the request for them asking for observers to come.

Q Did they ask that the observers either mediate the controversy or negotiate for them?
A: Definitely not. They made it very clear that we were there as observers. I must say that if a particular segment of the yard wanted a particular person -- evidently that person was added to the list, so you must realize that there were some people who had confidence in one observer element and another segment of the yard may not have had any confidence whatsoever in that particular individual.

   So, they made it very clear that all negotiations will be conducted by us in the yard and where all of the inmates in the whole yard could participate and hear what was being said and agreed upon.

Q: On Thursday, did any of the inmates express concern about the condition of the black and white inmates who had been taken to the box the night before?

A: Yes. When I went in, the inmates had -- someone told me what had happened, and sort of might have been one of the reasons for this thing happening, and the rumor had been that two men who had been taken up to the segregated units were being beaten, the rumor was that these guys had died, and so I was asked Thursday to go up and to look at these
two men and see their condition and report back to the inmates in the yard, and I did.

Q You did go --
A Yes.

Q -- to H.B.Z., the segregated unit, or the box, as we have been calling it?
A Right.

Q What was the condition of the black inmate there?
A He did not converse very much with me. He told me he was all right. The white inmate was very upset, emotional. He said that he had been manhandled, beaten, and he had a scar on his neck, but other than that, I could not see any physical damage to him.

Q Did the black inmate have any marks of mistreatment?
A No. He didn't tell me that he had any. In fact, he was very very quiet and very subdued.

Q Did you report back to the men in the yard that the men in the box were okay?
A Right. And I would say that regardless, again, there were men in there who did not know me as well, and did not have confidence and you always
have some saying, "Maybe he is lying," but I think the majority of them believed my report was in fact the truth and they accepted it.

Q Was concern also expressed in the yard on Thursday about the possibility that inmates were being mistreated in C-block?

A Right. Again, I was asked to go upstairs by some of the men who were the chief negotiators, who were trying to find out whether or not things were in fact fact or rumor, because rumors somewhat helped to deteriorate the kinds of situations which were going on, so I went up and there was one particular Puerto Rican inmate that some had said had been beaten, and I went up and I saw him.

And he told me that the guard had stuck his billy stick through the cell block and attempted to hit him or to beat him.

Q Do you mean he struck him through the cell--

A Cell window.

Q The cell window?

A I subsequently saw the guard who had done this and he said that he stuck the stick through because he was trying to remove a blanket that the inmate had thrown up over his cell block window, and I said, "You know you could have used another method
in order to do this," and the inmate said, "You know, other than that, he was all right."

I again reported that he was not dead; he was alive and I reported to them that the guard, I felt, had used poor judgment in removing "the blanket from the window," but other than that, the inmate was all right.

Q Did you ask that an inmate from D-yard accompany you on this trip so that there would be some verification from an inmate in the yard, not just yourself?

A Yes.

Again, being someone alone in this kind of situation, because the other observers had not arrived and being that there were men in there who did not subsequently believe what I had said, I made the recommendation that one of their leaders go along and I got Commissioner's Oswald's okay that he would allow one inmate to come out who had the respect of the inmates and we would tour C-block together.

Subsequently, this was done.

Q Now, on Thursday and injunction was drawn up by Professor Schwartz, with the assistance of an inmate, and that was signed late Thursday night and presented to the inmates on Friday morning in the
yard with Mr. Oswald present.

You were there also when the injunction

was presented?

A Yes.

Q Can you tell us what the reaction was to
the injunction and what effect, if any, you thought
it had on the mood of the inmates in the yard?

A Well, not being a lawyer and understanding

fully the contents of all of the legal protections,
but it was my impression that this injunction would

in fact give the men amnesty or would be immunity

from any civil charges based on property damages and

others, as far as the prison was concerned.

And this was basically because of what

happened at Auburn and other prisons, where inmates

were charged with first-degree robbery for "stealing

the keys of a guard during the rebellion," there

at Auburn, and they had had experience where charges

were subsequently thrown at them in fantastic mag-

nitude.

The document came back and the question

arose as to whether or not this document protected

them for the whole duration of whatever the period

would be during this period of negotiation, whether

or not it was just for one day, and whether or not it
would exclude them from any criminal charges based on the one day, or whether or not the full day, and the lawyers representing the inmates, who were in fact -- inmates disagreed with the interpretation of Professor Herman Schwartz, and there were basically two of them.

Subsequently that was sort of made null and void.

I would like to say that other attorneys subsequently, afterwards, had both agreed that the inmates were in fact right on their interpretation.

Q Was there a feeling on the part of some inmates that they had been tricked?

A Yes. You have got a yard of twelve to fifteen hundred men and I'm sure there were men in there that have done so much time and men who have been through a system whose credibility was in fact very, very questionable and this is why, I think, the inmates wanted all negotiations to take place in the yard, because they knew that whatever had to be, basically, you know, agreed upon, would have to be accepted by all of them; that if regardless how small the so-called dissatisfied group would be, it would create a problem, and this is why they insisted that all negotiations take place in D-yard where all of the
inmates could hear what was being agreed upon and participate.

Q Am I correct that they stipulated that there could not be any private negotiations --

A That's right.

Q --with the group of spokesmen.

A Right. Right. They had made that very clear.

Q During this visit in the yard at which the injunction was discussed, criticized, did an inmate suggest that Commissioner Oswald be held hostage?

A I think that happened on the second trip, I believe. I don't know if it was that one or the first or second trip, but this was one inmate that was roundly boöed, and all of the men said "You know, are you crazy; are you out of your mind; do you want to get us all killed?"

That was an emotional reaction from a young man that everyone could tell, you know, -- no one in that yard would even agree with that kind of situation.

Q Now, following this Commissioner Oswald indicated that he was not going to return to the yard; am I correct?

A Right. He did.
Q And the inmates, as you have said, indicated that they were not about to negotiate anywhere other than in the presence of all inmates?
A Right.
Q Now, what effect did this have on the role of the observers?
A Yes. At that particular point we became somewhat messengers between the inmates and the State; that because the State refused to negotiate with them in the yard, we were taking out their demands and taking them to the State, and subsequently bringing the State's response back.

But the inmates made it very clear to us that we -- that we, and I repeat: we could not make decisions for them and their lives; that they and they alone could make, you know, those decisions affecting their lives.

Q When you say the inmates made it clear to you that you could not bind them or make decisions for them, how was this communicated?
A It was told to us very openly and very frankly that we were just observers.

Again, you must realize that the observer list not only contained the people whom the inmates wanted, but also others who had subsequently come,
others whom the Governor himself had sent; also the more conservative legislators who represented that immediate community. They were all allowed in and out of that yard. They all sat in on everything that we attempted to do as an -- the Attica observer committee.

So, the number went from thirteen to some twenty-four, twenty-eight, and the Governor sent people whom he thought could help contribute to some negotiations, or observers, and he sent five in on a private plane of the State on Friday.

So, the number increased considerably and there were some in there that the inmates might not have thought too much about, but again, they did not protest their participation.

Q Did you act as chairman of the observer group?

A Yes. On Saturday, when things became very, very difficult to a degree, when Officer Quinn died -- you must realize that most of the observers came Friday evening. Most of us had never seen each other before, in many cases. There had to be a degree of dialogue among ourselves and people, somehow or other, feeling each other out, testing the commitment, concern and by Saturday evening or early afternoon it had
been established that, you know, we had better sort of get rid of a lot of rhetoric to a degree and subsequently get ourselves so structured, so we could perform as a unit.

And with the death of Officer Quinn, that brought that basic reality closer home, and the men asked if I would serve as Chairman of the group.

Q When you say the men, you mean the observers?
A The observer committee, right.

Q On Friday night, is it a fact that the observers went in and obtained a comprehensive list of demands from the inmates?
A Yes.

Q And Mr. Kunstler compiled the list that the various inmates had asked for?
A Right. And he was also designated as their "attorney".

Q Mr. Eve, you said that your role was as the go-between or messengers between the inmates and the State.

When you got this list, did the role also become something more than simply relaying messages between the State?
A Well, I think we felt obligated to try to interpret for the State what the inmates in fact were
They felt very strongly about, you know, many of the things. Not only did we discuss the twenty-eight demands, but when in the yard -- they gave us so many things. We discussed the question of the firing of a doctor, the hiring of a Spanish interpreter for the doctor so that the Spaniards could receive medical care who could not speak English.

We had talked about things of removing the screen on visitation days so men could kiss their wives and hold their children.

We talked about a number of things in there and the Commissioner exchanged with us -- in fact, they brought in someone from the parole board from the State to even discuss some parole issues. There were just a number of issues that they had raised in the yard, but some of them became sort of basic, critical key points that were somewhat narrowed down, but in that room we discussed with Oswald just a whole host of things.

Q Well, in these negotiations or these discussions with Commissioner Oswald, did you try to persuade Commissioner Oswald to grant the inmates' requests?

A Yes. I would say that where we felt -- in
fact, I think everyone in the room agreed with most of them. I think Oswald had said prior to sitting down, he said, "Gee, these are things I want answers to. These are things that I have said."

You know, he took great pride in saying that "The inmates are not asking for a lot of things that I, you know, myself feel should happen, but it just takes time."

He said, "It takes money."

And then we got into the question issue by issue and he responded to whether or not he had the money; whether or not it was administrative changes; whether or not the unions had to be checked with and, you know, so forth.

I think most of the agreements that the State made, I think the New York State stated that, I think, only four could be implemented immediately; that the rest of them needed other kinds of considerations and other things that would gradually have to be done.

So, of the twenty-eight -- the Times did have an in-depth thing on it. I think they said only four could be implemented and I think again that raises serious questions in the inmates' minds, that hope you give us a time, a period of saying that
Hey, you have to take this back to the New York State Legislature, you have got to check this out with budget, and then that became a serious problem, even when we took those points back.

Q Did you believe that at the time of these twenty-eight demands that the Commissioner had accepted only four, as within his power to implement immediately?

A I-- you know, the Commissioner -- he seemed a man who had honor, as a man who I thought was concerned, because we had met on a number of occasions prior to Attica and talked about prisons.

I also realized his limitations. I also realized the tenor of our New York State Legislature by virtue of its actions on Medicaid and welfare and a lot of other things, but we all knew that things were hardening, because Quinn had died.

Quinn's death created problems and I think everybody wanted to see this thing resolved, you know, if it was possible as soon as possible, because Oswald had said to me and to several others that he was under great pressure by others of the State who were in that room who wanted to go in and who did not want to support his positions.

So, he knew that he was under a lot of
Q Did he tell you from what sources this pressure was coming?

A Well, he implied to everyone that he was somewhat alone. I didn't find out until Saturday afternoon that Bob Douglas had been there and then when I realized that Bob Douglas had been there, then I knew the Governor was there, to a degree, and I became concerned that, you know, he was alone even with Bob Douglas in the room and that created, you know, a great concern within my mind.

Q Mr. Douglas arrived, I believe, Friday afternoon.

Were you aware that Mr. Heard and General O'Hara were there earlier on Thursday?

A Oh, yes. Heard and I talked extensively on Thursday because I had asked him to assist in bringing the people who the inmates wanted, the list, because they made it very clear to me that they would not begin negotiating until those observers that they had asked for were there.

In fact, when I realized that the State was reluctant to request or to provide transportation for some of these people, even to call them, I then called my office Thursday evening and told the young...
lady in my office "Call these people." 

"Get them here at any cost or any circum-
stances." And to my shock she followed my orders
by even pre-paying some of the plane fares that I did
not sanction, but I told them it was important because
I was being confronted by the inmates and my credi-
bility became very questionable on whether or not I
was in fact attempting to get the other observers
there.

Q But from your prior answer you apparently
felt that the arrival of Mr. Douglas was more the
presence of the Governor than the presence of Mr.
Heard?

A Heard was -- you know, in New York State
Bob Douglas handles negotiations with the political
leadership. Bob Douglas meets with the black caucus
when we want to meet with the Governor. Bob Douglas
is in fact the acting governor in most political de-
cisions that are made in Albany.

Q To keep within the chronology, I am not
going to ask you about Sunday now, but on Saturday
did you try to get to see Mr. Douglas?

A Yes. Mr. Douglas had sent for three mem-
bers of the observer committee to come and see him in
the room where he was.
Q Which room?
A Well, Bob --
Q Who was with you?
A Bobby Garcia was one, Wyatt T. Walker was another, and I think the other was Herman Badillo, those three people, and I think maybe even Alfredo Matthews, but the three of them -- the three people that flew in on the Governor's private plane were there and I think that part of our problems as to observer committee, to a degree, was that some of us would stay in the room and we would try to communicate among ourselves and there were some who were privileged to run into the room where Oswald was and the State people were and then come back to us.

And I became concerned on what kind of information they were taking out of our room into the "Other room."

And some of these were Assemblyman Emery, Senator McGowan -- they had certain privileges where they could go anywhere and they could meet with Oswald whenever they wanted to; they could go in the room which the rest of us could not do.

We had to get permission.

We had to ask permission for Oswald to come in the room and talk to us.
At that particular point when I overheard the guy say "Bob Douglas wants to see you, you and you," I said, "I am going along also." And Senator Bobby Garcia said, "Yes, come along." And he really grabbed me by my arm and I became the fourth person that left the room.

When we got up to the door where Bob Douglas was, the guard at the door let the first three in and he stopped me and said, "He does not want to speak to you."

And I, at that time, had been selected as Chairman of the group, and I said, "I am Chairman of the group, you know. If he is going to talk to anyone on the observer committee, I demand that I be present."

And I became very loud, very angry, and he still didn't let me in and Oswald came out and escorted me from the door back to the room and back in the room when these gentlemen came back I then made a determination that no one on the observer committee would ever go in that room unless "one of the other people went with them." And I selected then G.I., Jose Paris, who had been a former inmate at Attica who had greater credibility than all of us.

I asked him that if anyone goes in that
room again, that you go with them so that we could all know what kind of thing was going on and what was being told Bob Douglas.

Q   Now, you testified earlier about the fact that many of these demands, at least some of them, required legislative action.

One of them, for example, was the statement in the twenty-eighth that the Commissioner would recommend the application of the New York State minimum wage law to work done by inmates.

As an Assemblyman, and having been in the New York State Legislature for a while, did you have any confidence that the legislature would ever approve something like that?

A   Well, it must be also clarified that the inmates said that if they got the minimum wage they would be willing to have the State deduct from their wages because of maintaining them in that facility, the cost of rent, the cost of guards, the cost of everything, and that the balance of the money would be then given to them so they could send to their families, because many of their families were in fact on welfare. They knew that the State of New York, that running that institution did in fact cost money, and they were willing to have whatever it costs for
them to be housed to be taken out just like you would do a hotel or a restaurant, and that the balance of the money be given to them.

And I think that should be a very definite clarification, because if they got the minimum wage and after you took the basic expense from it, they may have had very little left, but I think it was a key question to a great degree of dignity, of men working for what they considered not slave-labor wages, but in fact a wage in which he can consider himself a man.

Q Even with that qualification, did you believe that the legislature would approve the recommendation?

Q Well, again, that was a question that had to, you know, take into consideration a lot of things, but I think Oswald was honest by saying to them that the legislature had to consider it.

I indeed had my reservations, knowing, again, the kind of legislation that they had passed in '71, which was prior to Attica; that our legislative body and its executive branch had lost their sensitivity for human life, and I said this probably on the floor during the session and afterwards, and I was very concerned about my whole legislative and
also so-called democratic process in the State of New York.

Q You didn't express these reservations to the inmates when you returned to Saturday night?

A Well, again, we were in the room to give these points to Oswald. Okay?

Now, Oswald made it quite clear that he had to go back -- I say this to you, if you think the men in there did not understand that the system was going backwards, that the system was becoming regressive -- you know, one thing an inmate has is plenty of time and he reads.

He knew that New York City Welfare costs were cut ten percent because his family has had to suffer by it.

So, I think generally -- and I would like to say this -- at one point in the yard they said that they would give up -- they would give up the hostages if the State in fact -- and they told Oswald this. They said, "If you give us D-block, let us run D-block by ourselves, we will go to work every day; we will go to lunch every day; we will go to everyone of our meals," but he said "Just let us have control of this block and let us set up the kind of program in here that will help us. We will do our own educational
programs. We will do everything. Give us an opportunity to have some say on our lives and we can show that we will do a very excellent job and live up to all of your laws and rules and regulations."

I think you must realize that the whole quest in that yard was for dignity, self-respect and an opportunity to not be dehumanized, but to be helped with whatever the programs were.

Now, whether or not the requests were reasonable -- I think in any negotiations you are going to go for the total jugular vein, and, you know, they were asking for everything, and they meant it. They meant it very seriously.

I frankly thought it was very unique that if we did give them the minimum wage and we deducted from them the cost of running that institution, that it would be a very positive thing in giving the man the dignity that he is in fact the breadwinner of his family.

Q This request by the inmates to be given D-block was made on Friday when Mr. Oswald was in the yard?

A I believe it was made with Oswald, either -- as you know, Dunbar went in after Oswald refused to go in, but again he did not have the power, but this
kind of dialogue and subject matter was discussed.

Q Did you try to persuade Commissioner Oswald on Saturday to grant amnesty?

A Yes. I think amnesty was talked about considerably at one point. A real effort was made by four members who were lawyers to meet with the District Attorney because people had said to us that only the District Attorney can give that within that jurisdiction, and I think Clarence Jones and Julian Tubber, and I think Tom Wicker -- I have got the four -- three or four, but they met with the D.A. to talk about amnesty and to talk about what he was willing to give up or not give up, so they could go back and say to the inmates that this is what they are willing to do.

Prior to that I would like to say that when we approached the Governor first on amnesty and they said "No," when I went back into that yard on Friday with all of the observers and I was chosen as Chairman at that time, they selected me in the room to tell the inmates that the State said "No amnesty."

I did not prefer, you know, being chosen to a degree, but somebody had to tell them, and when I told them on Friday when Dunn and all of them went in there, I said, "You have asked me to be honest with
you at all times. I am going to be honest with you. The Governor has said 'No amnesty' and that was on Friday."

Many of the observers were shocked that the inmates did not charge us or did not beat us or attack us, because they felt this was going to be the response, and then it was total silence, and then we went back into the business of what was going on, but that was the Governor's response at that time.

Q How did you approach the Governor on Friday?
A I think all of that happened through Oswald. Everything was going through Oswald.

Again, I didn't know that Douglas was even at the prison, because I had no knowledge. Evidently other people on the observer committee who were privileged to go into the room where he was, knew that Bob Douglas was there.

I did not know that he was there.

Q Mr. Eve, when did you learn that Officer Quinn had died; was it before you went into the yard or Saturday night with the twenty-eight demands?
A Yes. We learned prior to going in that Officer Quinn had died. I remembered him as being one who was brought out by the inmates on Thursday or
one who had been injured on Thursday.

I was very shocked that the Press printed and the State allowed them to print that he had been thrown out of a second floor window. This was a total lie, but had been told constantly.

Q Now, was it your understanding that that was a story which was issued by the State, that he had been thrown out of a window at Attica?

A Only the State could have told that story, because the Press was not inside.

Q Did anybody in the State with whom you had dealings ever do anything to dispell the story that he had been thrown outside, been thrown out of a window?

A In fact, the Buffalo papers ran it after his death, and they reccredited it again that Officer Quinn had died and he was the one who had been thrown out of a second floor window.

Q Did you understand that when you read these stories and heard these stores that the windows at Attica all had bars?

A Right. I knew it. In fact -- now, as far as the papers, I didn't read a paper every day, and subsequently, looking at the accumulation of papers and stories that happened at Attica, I really read
most of them after the massacre was over; but it was shocking to me to see that the State allowed this kind of lie to be told Thursday evening, Friday and even after Saturday, after he died, which was, you know, just a very serious situation.

Q Did any of the observers try to confront Mr. Oswald or any of the other State officials about this story that this was the way Quinn was injured?

A They may have because, again, we sort of settled down as a unit with a close surveillance of ourselves, and whether or not anyone talked with the State, say Saturday afternoon and on -- up until that time people were somewhat going in and around, you know, and doing their own thing to a degree, with talking to Oswald.

I'm sure that Senator John Dunn had a lot of conversation that we were not privileged to, Assemblyman Emery, Senator McGowan, many of them had a lot of conversations and I would assume that the people that the Governor sent on his private plane may have had that kind of, you know, opportunity.

Q But in any event, nobody communicated to you that that was not the way he was injured?

A As far as the State is concerned, no.

Q In fact, during this period up through Sun-
day, did anybody, whether from the State or otherwise, tell you that it happened some other way?

A No.

Q Were you in favor of the inmates' accepting these twenty-eight demands even though they did not include full amnesty?

A I would say that we all agreed that that was all that Oswald was willing to give up. I think Bill Kunstler expressed these points very clearly, but, you know, if you have respect for your President or your Governor or your public officials and you are given, as an employee, certain directions, that you cannot make any determination for yourself. I want to first of all keep that commitment, that even though we tried to get Oswald to do the very best he could, that the final determination and all of that was in fact left up to the inmates, and I think Bill Kunstler on Saturday evening expressed the feeling of most of us, that that was the best we could do, and he recommended they accept it.

I think the inmates' initial response was somewhat very negative, but then subsequently -- I remember one inmate saying "These men have done the very best they could. Before we throw it aside and reject it, we should let them go and we should sit down
and discuss it among ourselves."

Q That was Saturday night?
A Saturday night, right.
Q It was on Saturday night that Clarence Jones read the twenty-eight demands?
A And also the District Attorney's letter.
Q And the District Attorney's letter?
A Right.
Q Did Mr. Kunstler on Saturday night also announce in the yard that Officer Quinn had died?
A Yes.
Q What was the reaction to that announcement?
A It was sort of a very silence for a while, and I think that some of us were surprised that they did not know it; at least some of them, or quite a few of them evidently did not know it. Some may have known.

And it was silent for a moment and then, you know, it went on, and Kunstler continued to talk.
Q What was the reaction to the speech and presentation of the demands by Clarence Jones?
A They listened very, very attentively. They waited until they completed, and there were some boos and jeers, you know, afterwards.

Again, that's when Kunstler got up -- because
he was very upset, I guess, at that time, and he said, you know, that "this is the best we could do. This is what the State was willing to give up and I recommend you accept it, but, again, as you have told us, you and you alone can make that decision and the final decision is subsequently left up to you."

Kunstler, as their attorney -- and they had chosen them as their attorney -- and he was acting in that capacity, I believe, as an attorney, that they should, in fact, you know, accept it.

Q Did you have any feeling from your observations in the yard as to what percentage of the inmates were really participating in this and vocal in the demands for amnesty?

A Well, a lot of things evidently transpired among the inmates while we were not in there. They talked among themselves. They evidently discussed various issues and positions and I'd say that from what the public facade -- the public position was and what many of the men who said to you privately around the table that they were not going to let maybe amnesty be the one thing that got them all killed, to a degree.

They felt -- I think this is -- you know, there was a very great suspicion on even what was
agreed upon, whether or not it would be lived up to. I think it was unfortunate that Oswald did not go back in and negotiate because I think if he personally had been there and had gone through these things and if they could have felt his sincerity and felt that he really meant it, I think it would have been a great contributing factor to helping to alleviate the discussion.

We also discussed with them and they were concerned, on what kind of monitory proceedings would be set up. These were not in the demands, but I know that this was a very essential and critical point.

I volunteered to stay there for two weeks. Other guys said they would stay a week or they would come back and, you know, we were trying to get up mechanics.

We even talked with John Dunn, who had more political clout in that group than any of us, because he was chairman of the permanent committee—whether or not there were funds to pay for pay-out of monitors from the ghetto areas of Buffalo and Rochester.

There was a great concern of the inmates, and we discussed this with Oswald on "how and where are you going to house the inmates once this thing
has been agreed upon?"

This was quite, in fact, never subsequently determined, because they knew that the cells there had been — you know, many of them had been literally demolished as far as many of the things in them, and became a question of where are we going, you know, you know, we are going to stay here, we are going to another institution, how are they going to house us?

Again, the twenty-eight demands had a lot of intertwining administrative decisions that were not being made that was of, in fact, great concern to the inmates.

And, I don't know, the amnesty thing was a very difficult thing.

Q Did you have any kind of impression, based on your own observation, as to what percentage of the yard was really involved in speaking up and what percentage was sort of holding back?

A Well, I saw them take a vote Friday evening to allow the Press to interview the hostages. There were some who said "No, don't let the Press talk to the hostages."

Around — as far as the leadership table, and then that question was put to all — in fact, I
recommended it to some of the leaders.

I said, "Listen, I think you are wrong if you don't let the Press talk to the hostages."

And, you know, they put it to a vote and it was voted overwhelmingly to allow the Press to talk to the hostages and take pictures, you know, anything, and they went over and they talked to the hostages. They took pictures and so forth.

John Dunn asked the hostages how were they being treated, were they eating, how was the food that came in.

They said they were eating. The Press saw the fact that the hostages were sleeping on mattresses and most of the inmates were in fact sleeping on the ground and it was very obvious to some of us there, and I believe most of us, that the inmates didn't want anything to happen to the hostages.

In fact, on Thursday they insisted that the medical records of the hostages be given to them when the State was not prepared to send in a doctor for fear of the doctor's life.

Subsequently a doctor did volunteer to go in, Dr. Hanson, but when I got there they had made indications, regardless of whether the verbiage was, they had said to me that the manner in which they handled
the hostages -- that they really didn't want anything to happen to them, because they were their key source of strength for any form of meaningful negotiations.

Q    About how many of the inmates would you say participated in the booing after Clarence Jones read his demands?

A    Well, it's very difficult to tell. You have got twelve to fifteen hundred men and the T.V. cameras would be focusing on the table and if you are in a big yard and you got bright lights looking at you, you really -- it is very difficult to even see sometimes beyond those lights, and you would say it's you know boo, you know, maybe fifty, sixty, maybe even the majority, but I think it was sort of a thing -- in fact, it was the majority, I felt, because I think when Kunstler said what he said and Champion said what he said -- I shouldn't have mentioned his name -- Champion said, you know, "Listen, you know, these men have done the best that they could. Before we, you know, say no, let us let them go and discuss these things among ourselves and, in fact, I have commended Champion for taking that position.

Q    That was on Saturday night?

A    Saturday night, right.
Q Was there any way that you had of knowing all during this period really what percentage of the men were serious about particular demands and what percentage were simply just chiming in or uninvolved?

A Well, I think Herman Schwartz said to them on the first day when they gave the first five demands that a lot of them, he felt, they could not subsequently get, being a lawyer, and he was very honest with them.

And when we got to Sunday, when you get to that chronological order, I think many of us felt that, you know, the Governor is coming there and personally showing concern and willing to say that he, as Governor, will ensure that these things are done and that he will ensure, frankly, that the inmates who were not beaten, harassed or subsequently brutalized afterwards, that even that might have been just the catalyst that was needed.

There was always going on a question of credibility or belief or truth. Whether or not in fact people were playing games with them or being dishonest and I would say that, you know, Oswald in not coming back had personally, personally negotiating with them in the yard, was a very, very deteriorating factor.
Q Did the various delays that you experienced in going back to the yard over these four days contribute to this credibility problem?

A Yes. Especially on Sunday morning.

As you know, Bobby Seale came in Saturday night and Bobby stated -- very briefly, he just subsequently said to them that the State wanted me to tell you to accept these twenty-eight points, and I refused, and I am going to not make any recommendations to you.

I am going to go out and talk to the central committee in California and I will be back tomorrow morning.

When Bobby left, a number of the observers left with him and the rest of us stayed and went over the twenty-eight points, and that's when Clarence Jones read them.

But, the -- what was the point, the second point?

Q Really, you had delays from time to time and when you got back in --

A Yes. Sunday morning, when we thought we would be allowed to go back in at seven-thirty and Bobby Seale and the Commissioner got into a dialogue and Bobby decided not to go in, because they were
trying to make him say what he tell the inmates
and whether or not he would tell them to accept the
twenty-eight points, and he refused to tell the State
what he was going to say, and he left.

They refused to let us go back in and prior
to that time, whenever there was a commitment by us
when we left the yard that we would be back at a par-
ticular hour, I would go down to A-block and holler
into the yard to the security force that, you know,
we were upstairs, we were still working, we had not
abandoned them, but Sunday morning the Commissioner
refused to let us go back and the men had T.V. sets
in the yard, so they could see Bobby Seale was on the
news and the news flash, and they had a radio, so they
knew that Bobby Seale had left and had made a state-
ment and such and such, but they hadn't heard from
the rest of us, and I'm sure that that creates --
created unrest, because Bobby had said he would be
back and that we would all be back at seven, seven-
thirty that morning, but we in fact didn't get back
until much later, and they did not allow us to go
down and tell the inmates that we were upstairs.

I think they were deciding then on whether
or not to go in on Sunday.

Q Did you personally overhear the conversa-
tion between the Commissioner and Bobby Seale 1002
on Sunday?

A I just heard portions of it, because Emery
and Bobby and the Commissioner, Assemblyman Emery,
really got into it for a while, but the gist of it
was they wanted him to make a commitment to say what
he was going to say and they literally wanted him to
say to them to accept the twenty-eight points, and
when he would not do that and there was some expres-
sion by one or two legislators, who were from that
area, don't let him go in, you know, don't let him go
in unless he says so, Bobby Seale decided not to go
in.

Q By Sunday, had you learned that the inmates
were not prepared to accept the twenty-eight demands?

A Well, again, no.

There were a lot of factors -- I think if
Bobby Seale, whatever Bobby Seale would have told
them, I don't know what effect that would have had.
There was a question that they had asked us to leave
so that they could discuss it among themselves. We
didn't now what had been determined after they had
discussed it among themselves and in fact, it may have
been a very positive response when we got back in
there Sunday.
We don’t know. It’s very difficult to know what took place that evening and that night and early morning while we were out of there, because I’m sure that these things were discussed. They were gone over and we didn’t know what kind of determination they had made.

Q By what process did you expect the inmates to reach some kind of consensus on whether or not to accept the twenty-eight demands?

A By vote, by individual conversation, by dialogue, by exchange and reaching a consensus that they ought to live with and agree on, you know, the same way that anyone reached that kind of a conclusion.

Q Did you understand that there were any restrictions on inmates leaving the yard if they disagreed with the majority position?

A No, I did not, you know, have that understanding.

In fact, I had had -- someone had said to me that only the guys in the yard were guys that wanted to stay and that other inmates that wanted to go could go.

Now, this is what one of them said to me, because I was concerned if anyone was in fact being held there who did not want to, but I did not have
This was just told to me by one of the inmates.

Q By the time you entered the yard finally on Sunday afternoon, had you learned that the inmates were not prepared to accept the twenty-eight demands, as they then stood?

A Well, I think I ought to mention some other things prior to that on whether or not they were willing to accept it.

That may have been a very contributing factor or when we got in there why things happened.

When the Commissioner would not let us go in, we kept insisting that we go in; we be allowed to go down -- I be allowed to go down and let the inmates know we were upstairs, we had not abandoned them.

This was refused.

It then came back to us by him when we all kept saying "Some of us have to go in, we have to go back in." Frankly, some of the observer committee had told me individually and privately that they were not willing to go back in, they did not want to be asked to go back in, they didn't want me to embarrass them in asking them to go back in, and I said I would, you know, honor their request.

Q Why did they say they didn't want to go back
A Well, I think the whole thing with Bobby Seale and the way this happened, and our not being able to go down and tell the inmates -- it had rained. Just the whole psychological thing may have deteriorated and, you know, some were concerned.

So, we kept pushing. "We have got to go in. We have got to go in. You have got to let us go in. You cannot go and send the troopers in because a massacre is going to take place."

In fact, Clarence Jones thought of the message to send to the Governor, because he became concerned and Clarence, while we were all having our exchange with the Commissioner, Clarence was sitting on the side writing up a little message that he felt we all should agree to, and when he finished it, he said, "I have got an idea that you might be able to consider."

He said, "Let's send a message to the Governor that all of us can agree on," and that's when the message said simply -- and it took us almost an hour or better to agree to some two paragraphs, because of political differences, but we said "Governor, come to Attica and talk to the observer committee, because if you send the troopers in, a massacre will take place,"
and both the lives of the hostages and the inmates will be lost."

And we said simply, "Come to Attica and talk to us."

Some of the observers wanted him to come in and go and talk to the inmates, but after discussions we knew and we felt politically that would give him an out. Some wanted to say in the message, "Let's talk about amnesty or give the inmates amnesty," but again, we had to consider the political consideration and we felt that this would give him the out to say no.

Q In other words, if you had asked him to come and grant amnesty he could refuse to come to Attica on the ground that --

A He could refuse to come, right.

Q On the ground that he would not give amnesty?

A Right. He said before that he wasn't getting it. As chairman of the group, I didn't want anyone to walk out of that room saying I didn't agree to it.

I went around after we had worked on the text, and I asked every individual legislator, including the three from that particular area, and everyone in the room, "Do you agree with the text of this mes-
Now, we made the request of Oswald to go in and then Oswald came back and he said, "We'll let a small -- we will let you go back, but we don't want any legislators to go in."

I imagine some legislators had expressed to him that they weren't going in any more. I insisted that I had to go back in because I had been in anytime that anyone had been in that yard for the four days, and I said, "I have got to go back because if I am not with them, some of the men will feel something is happening if they don't see any legislators."

And then he came back and he made the request of us that, "Okay, we will let some of you go back if, providing you sign a waiver," and again that became an issue.

"Why do you want us to sign a waiver?"

In fact, I didn't want to sign a waiver, but we were told that the Governor did not want the State to be liable for anything that might happen to us if anything happened to us while we were in the yard.

So, we signed the waiver and six of us, six of us who were black and Puerto Ricans, were ready to go back in.

We then -- the group wanted to send the
message to the Governor over WBIA or some station that Clarence Jones owns, and we said, "No."

I said, "No," because, you know, before we send it out, let the inmates -- let the inmates know what we are doing and what we are saying.

Q I take it up to this point the inmates had not said "We want the Governor"?

A Oh, yes. By all means.

In the dialogue in the yard and everything else, personally people wanted the Governor there, but the fact of it was that, you know, the Commissioner said he was representing the Governor, so that became a dead issue.

They were willing to accept the Commissioner negotiating with them in the yard for the Governor, okay? But because the Commissioner was no longer negotiating, circumstances were deteriorating to a degree and we realized that positions were in fact hardening.

Some of us had had experience, personal experience by the correctional guards, one of whom called me a "Boy" on Saturday after Officer Quinn died.

One guard, who was reluctant at the time to let me go by him and sort of blocked my passage, and
I politically avoided any confrontation.

One guard who brought us some food that night -- when he brought it in the room, he said, "If I knew I was bringing this shit into you people, I would not have brought it." And he slammed it to the ground.

One woman in a restaurant, not on the grounds, but on the table. One woman in a restaurant where Senator Bobby Garcia and I went to eat, said, she hoped that they killed all of us.

So, you know, Saturday evening and Sunday, you know, we knew that if that was the community, that was the guards, that tensions and positions were hardening considerably, because Officer Quinn had died.

Q You said positions were hardening, and you mentioned positions of correction officers and the community.

Did you feel that positions were hardening on the inmates' side also?

A I don't know, because at that particular time we hadn't been back in there after they had received the demands, but when the Commissioner -- in fact, the group wanted to send this message out, and I said, "No. Let's discuss it with the inmates, be-
fore we sent this message to the Governor."

I said, "The inmates said we could not do anything or make any decisions for them unless they agreed to it." And I said, "Let's not make any determination or do anything without their consent."

The group voted that even if the inmates said 'No, don't send that message to the Governor," they still was going to send it.

So, we asked the Commissioner, "Let us go down and talk to them. Let us go into the yard."

He then said, "Yes, the six of you can go."

He allowed us to go down to A gate, and when we got to A gate, Richard Clark said they wanted some Press men in, but they wanted this time black and Puerto Rican Press because they felt the white Press had edited, condensed and projected on their T.V. screens in their media not the whole truth, but just part of the truth which, in fact, polarized America against them, and especially white America.

They said, "We want you to bring in black and Puerto Rican reports who are going to tell the truth, the whole truth."

They also said that they wanted someone to interview the hostages who also wanted to send a message to the Governor. Okay?
Now, that points out that the question of a message to the Governor had been discussed by them in the yard, because they made the request of us that the hostages wanted to send a message to the Governor.

We then told Richard Clark we were, you know, sending out a message to the Governor; here is a copy of the text.

We gave it to him, he read it, and he said "We would like to take it into the yard and I would like to read it to the brothers."

And we said, "Richard, understand we are asking the Governor not to come into the yard, to the inmates," okay?

"We are not mentioning amnesty in there. We are asking him to come and just talk to us so that we can give him our thinking on the situation, because he is not getting it from us. He is getting it from Bob Douglas, his secretary, and we feel, you know, that situation -- the situation is getting sort of difficult" and I said, "We are asking him to come and just talk to us, not you guys."

And he said, "Okay."

Q Could you in the future try to leave names out?
So, he said, "Let me take it in."

And while we are in conversation with him, Deputy Walter Commissioner Dunbar is standing with us and listening to the conversation and one other Deputy Commissioner and when Richard said "I want to take this into the inmates," Deputy Commissioner Walter Dunbar said, "No, you cannot take that in."

And Richard said, "What's wrong with it? It's nothing but a piece of paper. Why can't I take it in and read it to the inmates?"

And he said, "No."

He said, "Assemblyman Eve, don't let him take it in. Get that piece of paper back."

And I said, "Well, what's wrong with a piece of paper?"

And he made a real issue out of it, and I was concerned, because they had correctional officers standing behind us with submachine guns who were also listening to the conversation, and we had asked them to remove those men with the submachine guns from behind us because it made it very difficult for us to talk to one inmate who we assumed was unarmed and did not have that kind of weaponry.

But the State refused to move them. I asked
Richard then, "Give me the paper back."

I said, "Let's not create any agitation. Let's not create anything that's going to create problems. And if this paper is so important, give it to us," but I said, "Read it, take as much time as you want to, and be sure that you tell the inmates that we are asking for the Governor to come and talk to us and not you," and I said, "Remember what the message says."

He did that. He gave it back to us. He also told us that they had not been fed their sandwiches.

The Commissioner had told us in the room that they had been fed at 10 a.m. Then we waited until they brought the sandwiches out of a room, took them in to the inmates, and they came forward and they took them back into the yard. We were standing there talking continuously waiting on the black and Puerto Rican Press members to come from the front of the prison.

During the interim the telephone rang. Deputy Commissioner Dunbar went over to the telephone and he said, "The Commissioner wants to talk to the six of you upstairs."

We went upstairs, and before we went we
asked could we be allowed to go into the yard and talk to the inmates when we came back from upstairs. We did not know what he wanted us upstairs for, but we were told "Come back upstairs, he wants to talk to us."

On our way up, while we were waiting on the gates to open, Clarence Jones came down and he said, "We had talked to the Governor."

He said, "John Dunn became very concerned and gave us the Governor's private number," and he said, "four of us talked to the Governor."

And Clarence told us briefly who talked to him, and he said, "I want to tell Richard Clark that we had talked to the Governor."

So he went over to the gate individually himself and talked to Richard Clark.

The seven of us then went upstairs. And when we went upstairs, got into the observer room, minutes afterward, the Commissioner came in and gave us a copy of a statement that he had given Richard Clark.

In fact, the statement had been addressed to Brother Richard Clark.

I am mentioning his name again.

This is the statement that said, "I urgently
request you to release the hostages unharmed now and to accept the recommendations of the committee of outside observers, which recommendations were approved by me, and join with me in restoring order to this institution."

A Yes. I think further didn't he say something about a small group coming out in negotiations?

Q Yes.

He also said, "Only after these steps are taken am I willing to meet with a five-member committee, chosen by you, to discuss any grievances you may have and to create a mechanism by which you may be assured that the recommendations I have agreed to are implemented."

A Right.

Now, that's the first time I have heard that message since then, but I remembered it almost word for word.

When I saw it, when he gave it to me in the room and I read it, in the latter part of things, you said was very critical, but a smaller group coming out in negotiations -- when I read that, I looked at it and I said to the Commissioner, "You and the Governor have just signed my death warrant."

I said, "I know it doesn't make any dif-
ference to me whether or not I die in D-yard with the inmates, if they stab, cut my throat, choke me to death," I said, "or whether or not after you have performed your massacre that some of them are going to get out and their friends are going to get out and relatives are going to feel that in fact we have not been honest."

They told us we cannot make any determination for them. They told us they were not going to come out in a small select group and negotiate. Okay?

And I said, "What you have done is to allow us to come and tell them we were doing one thing and subsequently give them a message which contradicted what we had said to them."

I said, "You have just set us up to get killed. In fact," I said, "you and the Governor really don't give a damn about my wife and five kids because if they feel that I have not been honest with them and straight, then they might even attempt to kill me, someone or some friend at my home, while I am driving my kids."

In fact, I broke down and started crying, because I said, "You and the Governor have set us up to get killed."

Q What did Mr. Oswald say?
A Oswald was shaken to a degree, because everyone in the room agreed that that act by the State had in fact jeopardized the six of us who were willing to go back and sign those waivers.

Q Did he appear to realize the consequences of his words before you mentioned it?

A Right. Evidently he did not realize the consequences, because -- maybe he did. I moved to impeach the Governor because he attempted to kill me, so I assume he realized what they were doing, but he then said and allowed us to go back and in fact that's when I insisted that we talk to Bob Douglas, because I thought that Bob Douglas and the Governor engineered that kind of political decision and we insisted that we had to talk to Bob Douglas.

And I said, "Bring Bob Douglas here. He is only fifteen steps down the hall. He has refused to talk to me. He has refused to talk to us as a group and he and he alone is interpreting the situation for the Governor."

They then went out and said, "We will think about it."

Oswald told us he was representing the Governor and the State and I said to him, "You are not Bob Douglas. Only Bob Douglas is really interpreting
the final decision as far as what's happening here for the Governor."

I said, "I understand the political sequence of power in Albany and I know when Bob Douglas is here, no department or Commissioner supersedes his particular decisions," and everybody in the room agreed. Tom Wicker, Fuldon (phonetic), Herman Badillo, and Clarence Jones. We all insisted that we had to talk to Bob Douglas.

He went out and he brought Mr. Heard back and my remark to him, "Is this the kind of game you are continuing to play? We have asked you to speak to Bob Douglas and you bring us someone else." And Mr. Heard told us that his position within the executive branch and I repeated to him, "In no disrespect for your position, you are not Bob Douglas, as we want to talk to Bob Douglas."

They went out again, stayed a while, and then at our third time, in came Mr. Douglas.

Q What did you say to Mr. Douglas?
A We said to him, "You must get the Governor here. We want to talk to the Governor."

Mr. Douglas' whole attitude, frankly, was very arrogant with, like, "We have made a decision. I will think about it. We will get back to you."
But his whole posture was in fact fantastic. And he went out of the room.

When he left out of the room, that's when I said to the group, "The inmates want the hostages to be interviewed so that it can come out to the Press and that the message can be given to the Governor."

Q Mr. Eve, my understanding is that the telephone calls by Congressman Badillo and Clarence Jones took place after this meeting with Bob Douglas. I know that, you know, that time has passed and that chronologies can sometimes get confused.

A Well, I know that the conversation with the Governor took place while we were down at A gate. Okay? And I was not in the room when that conversation was going on.

Q Did you get back a report from the people who spoke directly to the Governor as to what the position was on coming to Attica?

A Clarence Jones had told us when he came down that he had talked to the Governor; that he had asked for the Governor for time; that he asked him to come to Attica, but that, you know, the Governor's sort of remark was that he was thinking, he was consulting with his people.

He did not literally, finally made up his
mind that things would stay status quo until he got back to them. That's what he told us at the gate downstairs, and I assume that's what he told Richard Clark.

The others we did not go into any detail on what their conversations were.

Q Did you learn for the first time that the Governor had decided not to come when he issued his public statement that afternoon?

A Well, first of all, I was not aware of the public statement that was made by the Governor at that particular time. Even later on.

Q You were not aware of it at the time that you went to D-yard, that the Governor issued a statement that he wasn't coming?

A Right. I was not aware of it.

Q When Mr. Douglas was in the room with you, did you state to him what reasons you wanted the Governor for?

A Well, my position was that the Governor was possibly getting a distorted view of what was really happening at Attica. He was getting it from people who had not gone in there, people who have not had a chance to sit and talk to the inmates to any degree, and that the Governor may also not have
realized some of the racial things that were going on that we felt might have been an indication of the kind of considerations that the troopers would have felt if going in.

We felt, in essence, that the Governor was not in fact getting good information and we wanted to talk to him and convey to him our evaluation of the situation and also to plead with him for more time, because we felt that with time this thing could be resolved.

Q Did Mr. Douglas ask you what the outstanding issues were?

A Herman Badillo brought up --

MR. McKay: Mr. Eve, before you answer that entirely, our reporter needs to change his tape.

Could you wait just a moment.

A Some -- I think one of the people brought up the question -- I think Herman Badillo had talked about this experience at Queens jail where he had negotiated what he felt in good faith between the inmates and the City of New York, and that subsequently, after the men had given up, they were beaten.

Herman was concerned that had the Governor
come, that we would have an opportunity to talk with him and get further into it.

One of the observers did mention the question of amnesty and I, as chairman, said "That's not the issue that we are asking the Governor to come here for."

Bob sort of let it be known to a degree that this was some way out or vaguely one way or another.

Q When you say "Bob," you mean Mr. Douglas?
A Douglas, right.

Q And he said that amnesty was not negotiable; did he not?
A Well, yes. He said that to that particular point, right, generally in that area. We said "Let's bring the Governor so that we could talk to him and we could give him our appraisal of the situation. Let's talk to him even about what will happen after the situation and whether or not he will implement the twenty-eight points."

We just felt, frankly, that the Governor could give us time, that his presence at Attica would show concern and that might even mean that the inmates might in fact accept the twenty-eight points.

Q Did anybody suggest that a delegation of
observers visit the Governor in Pocono Hills?

A That was discussed at one period, but what many of us were fearful of, that if we would leave that this would subsequently give the State the right to go in.

The Governor had not made a commitment that he would talk to us; that he would even be there. There was a question of where the Governor was. We didn't know where he was.

Q Well, somebody reached him on the phone.

A On Sunday.

Q I'm talking about Sunday.

A On Sunday, no one, at least I wasn't going to leave Attica after what had happened, under no circumstances, and I think the vast majority of us who were willing to go in, who were willing to go in and put our lives on the line, were not about to leave Attica, and this was why we said he can come here, you know, with a private plane from Tarreytown, New York, and, you know, talk to us, and, you know, we were very emphatic. Bob left us with the feeling that he was going to talk to the Governor and subsequently get back to us.

Now, after that particular period, this is when I said to the group, the inmates have asked
for an interview with the hostages, that in fact the committee said, "Eve, you interview the hostages."

And I said, "I'm black. My credibility with the Press and the system may be questioned."

I said, "I'm going to ask two whites, in here, to go in with us."

I said, "I'm going to ask two men and if they say no, I will understand, because I am frightened also and I was frightened Sunday, and I asked Senator John Dunn and Tom Wicker, two men who had credibility with the inmates, with the Governor and with the Press, I assume.

John Dunn said, immediately, no, and Tom Wicker said let him think about it.

Clarence Jones said, "Well, if Tom Wicker goes back, I will go with him," and then Tom Wicker finally said, "No, dammit, yes. I will go in."

Q You said you were frightened Sunday.

What were you frightened of?

A Because of our credibility -- I was convinced -- greatly diminished by the actions of the Governor through Bob Douglas and the Commissioner on the message they had given Richard Clark.

Q Mr. Eve, if the Governor's position was
that amnesty was not negotiable, what did you feel his visit would accomplish?

A I repeated -- the Commissioner's credibility had been damaged, okay, by virtue of not wanting to negotiate in the yard, and I think, like anyone else, if you were confronted with the person agreeing to something, if you can look him in the eyes and talk with him you can sense whether or not he will give up to those commitments and whether or not he has the power to implement them.

I felt that for the Governor's presence at Attica would have said that he lived up personally to those things; that he was going to ensure that no brutality, no beatings, no harassment would subsequently take place; that a very effective monitoring system would be devised by outside individuals, because the inmates had asked for Federal marshals to take or the prison really at one period, and that, you know, he could in fact get from us that there were things who gave us indication that in a few days or even maybe two or three days that this thing could be resolved, that the men in the yard might be able to come to a, you know, a basic agreement, because there may have been just a small nucleus that was attempting to hold out much longer.
Q Now, there are two points I want to follow up on that answer.

One is that you referred to looking at a man in the eyes.

Did you feel that the inmates would have to look the Governor in the eyes in order to get this reassurance?

A No. I'm saying that if Oswald had gone in -- if Oswald had gone in and negotiated those twenty-eight points by himself, himself personally, and had not had been a sort of message thing -- okay?

Had I felt the possibility of their accepting and living up to was in fact greater by virtue of a third party being involved, because they did not want a third party involved in the negotiations, that was a very, you know, thing.

There were people who were on the observer committee whose credibility had to be questioned, and that was even the conservative legislators, who represented the Attica community.

We told them, and our message was, that we knew that the Governor would not confront the inmates personally, and our message to the Governor was not to do that, but in fact just to talk to us.

Q And did you feel that the Governor could
have accomplished something if he did --

A       By all means.

Q       If he did not go in and face the inmates

man to man?

A       By all means. By all means, and Richard

Clark, or the inmate we talked to, accepted that

condition.

Q       You also said that it may have been that

there was simply a small nucleus that was holding

out and that, I take it, time may have weakened that

nucleus position.

What is that based on?

A       Well, I think around the table you would

have a lot of inmates who would come over and talk

to you personally, even while things were being

said, and I got the feeling -- and I think they knew,

you know, living in a basic racist society, that

the Kerner Commission and the Milton Eisenhower

Commission have all documented that they knew that

racism was present; that racism was being encouraged;

that racism was being justified; that racism probably

represented the vast majority of the troopers that

would have gone into that yard.

As one who tried to get more black State

troopers on our force for the last two years, and have
failed, it was literally a white force, but they knew "Hey, you know, there is just a period of
time, you know, before this man is going to make a
decision to come in, and some of us are going to get
killed."

But I think the beauty of the guys in that
yard, from what I could take from them, was that
for the first time they wanted decisions to be made
together, totally together, which is very difficult.

I realize it is very, very difficult. But they realized that if there was any faction that did
not agree, that you might have in fact had serious
problems.

Q What kind of problems?
A Well, the problems of them not agreeing.

You know, you must realize that the inmates
protect the hostages. You know, they had the in-
mates around the hostages.

Now, they evidently protected them around
them because they felt there may have been inmates
that would have killed them. They protected us when
we went in. When we went in there was a certain
group that walked and escorted us side by side. When
we sat down at the conference table they surrounded us.