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NEW YORK STATE SPECIAL COMMISSION ON ATTICA

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In the Matter of the

Public Hearings

at

ROCHESTER, NEW YORK

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410 Alexander Street,
Rochester, New York

April 12, 1972
10:00 a.m.

Before:

ROBERT B. McKAY, Chairman,

MOST REV. EDWIN BRODERICK,

ROBERT L. CARTER,

MRS. AMALIA GUERRERO,

AMOS HENIX,

BURKE MARSHALL,

WALTER N. ROTHSCHILD, JR.,

MRS. DOROTHY WADSWORTH,

WILLIAM WILBANKS,

Commission Members



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2 PRESENT:

3 ARTHUR L. LIMAN,
4 General Counsel

5 JUDGE CHARLES WILLIS,
6 Deputy General Counsel 138 Matthews

7 STEVEN B. ROSENFELD,
8 Deputy General Counsel

9 DAVID ADDISON,
10 Deputy General Counsel

11 ANDREW LIDDLE,
12 Senior Investigator

13 oOo

14 MR. MCKAY: The New York State Special
15 Commission on Attica was created for the purpose of
16 investigating and reporting to our fellow citizens
17 the facts and circumstances leading up to, during
18 and after the events at the Attica correctional
19 facility of September 1971.

20 I am Robert McKay. There are eight other
21 members of the Commission.

22 Thanks to the marvels of the electronic
23 age, we are in your home today. The jet age has
24 not worked quite as well.

25 Today, as you may have noted, three
members of the Commission have just arrived at
the very beginning of the proceedings and one is

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1
2 still en route. As he comes in, I will, of course,
3 be glad to introduce him to you.

4 The eight who are with us today, beginning
5 from my right, are Walter Rothschild, chairman
6 of the board of the Urban Coalition and formerly
7 president of Abraham & Strauss.

8 Mrs. Amalia Guerrero, president of the
9 Society of Friends of Puerto Rico.

10 Bishop Edwin Broderick, Roman Catholic
11 bishop of Albany.

12 Mrs. Dorothy Wadsworth, an active par-
13 ticipant in community projects in Monroe County.

14 Mr. Robert L. Carter, former general
15 counsel of the NAACP, now practitioner in New
16 York.

17 Mr. Burke Marshall, deputy dean of Yale
18 Law School and former State Attorney General in
19 charge of civil rights under the late Robert F.
20 Kennedy.

21 And Mr. William Wilbanks, a doctor
22 candidate at the School of Criminal Justice at
23 the State University of New York.

24 Our absent member who will be with us
25 today is Mr. Amos Henix, a former inmate himself

1
2 and currently executive director of Reality House,
3 a drug rehabilitation program in Manhattan.

4 The Commission members were asked to
5 serve by the five principal judicial officers of
6 the State of New York, including Chief Judge F
7 Stanley Fuld of the Court of Appeals and the
8 presiding justices of the four Appellate divisions.

9 These hearings mark the beginning of
10 the Commission's report on Attica. We intend to
11 make such further reports to the public in writing
12 or through the media as we believe are necessary
13 to present the full truth about Attica.

14 The first phase of our hearings will
15 describe the conditions at Attica prior to September
16 9th, from the point of view of the inmates and the
17 correction officers.

18 We will then hear testimony on the
19 actual events of September 9th and through
20 September 13th, including the decisions made by
21 the authorities and their consequences.

22 In the course of our investigation we
23 have received the willing cooperation of thousands
24 of people. This is as it should be because the
25 events at Attica compel all of us to ask searching

1
2 questions about the realities of our prisons
3 in accomplishing their professed task.

4 The problems are not new. The first
5 meeting, for example, of what is now known as the
6 American Correctional Association in 1870, more
7 than 100 years ago, set forth the following
8 goals for our prisons:

9 First, reformation, not vindictive
10 suffering should be the purpose of penal treatment
11 of prisoners.

12 Second, prison discipline should be
13 such as to gain the will of the prisoner and
14 conserve his self-respect.

15 Third, the aim of the prison should be
16 to make industrious--to make sure that there is
17 an opportunity for effective rehabilitation.

18 As we listen to the testimony at these
19 hearings, we, as citizens, must judge whether
20 those goals are reality at Attica 100 years later.
21 No less is at stake then the well being of our
22 society.

23 We must decide whether our commitment
24 is to vengence or to rehabilitation. We must
25 determine whether all that we can do is to punish

1 for acts which cannot be undone or whether 6
2 our institutions can also serve to prevent
3 repetition of those and similar acts.

4 We must answer honestly whether the
5 Atticas of this world support our efforts to
6 reduce crime or whether they exist, at great
7 public expense, only to provide sterile confine-
8 ment of both inmates and correction officers.

9 Forth-three citizens dies at Attica and
10 more than a hundred others were wounded or injured
11 in the retaking of the institution.

12 As private citizens, we view our appoint-
13 ment as a solemn commitment to tell the public
14 the truth about the conditions in our penal
15 institutions as represented by Attica and about
16 the tragic conditions at that institution in
17 September 1971.

18 For the first phase of these hearings
19 we have requested our staff to present to the
20 public a cross-section of Attica inmates and
21 correction officers whose testimony will reflect
22 the diverse attitudes of and the pressures on
23 inmates and correction officers.

24 To introduce the testimony I wish to
25 introduce to you Arthur L. Liman, general counsel

1 to the Commission and I speak for all 7
2 members of the Commission in saying that he and
3 the staff he has assembled have done a superb
4 job in assembling the facts that we now wish to
5 present to the public.

6 MR. LIMAN: Thank you, Dean McKay.

7 I would like to, before the testimony
8 begins, outline for the public the scope of the
9 investigations undertaken by this Commission
10 pursuant to the mandate which you described.

11 This Commission has sought to interview
12 every person with first-hand knowledge of the facts
13 concerning Attica and concerning the events in
14 September 1971.

15 To assist in this task we assembled a
16 staff of approximately 30 persons, including
17 lawyers, investigators and experts such as
18 pathologists, ballistics experts and a psychia-
19 trist.

20 We were head in our task by a corps
21 of part-time investigators who head us in inter-
22 viewing approximately 3000 persons. These citizens
23 who we have interviewed include over 1500 inmates
24 who were in Attica or who are still at Attica.
25 Hundreds of correction officers who work at

1 Attica. The employees and administrators 8
2 of Attica. Townspeople of the Town of Attica.
3 Hundreds of State troopers and National Guardsmen
4 as well as sheriffs' deputies who were called to
5 duty at Attica. Medical personnel who treated
6 the wounded. Pathologists who autopsied the
7 dead.

8 Members of this Citizens Observers
9 Committee which participated in the negotiations
10 at Attica. Officials of the Department of
11 Correction and their staff. And other State
12 officials and decision makers, including the
13 Governor and the Governor's staff.

14 We have also spoken to wives of correc-
15 tion officers and to wives of inmates in our
16 effort to determine the frustrations that have
17 affected all people who both work and are con-
18 fined at Attica.

19 We are familiar faces at the Attica
20 institution. Members of my staff have practically
21 lived there.

22 We have also assembled and examined a
23 large volume of documentary and photographic
24 material, including ballistics and autopsy reports,
25 audio tapes, video tapes and motion pictures which

1 were taken by the authorities during 9
2 the period from September 9th through September
3 13th.

4 The Commission is now prepared to begin
5 its presentation to the public of the facts and
6 circumstances developed in this investigation
7 concerning Attica.

8 The Commission has asked me to read
9 the following rules and procedures which it has
10 adopted to govern this hearing.

11 First, witnesses will be questioned by
12 Commission counsel and the members of the Commis-
13 sion.

14 Second, pursuant to law, each witness
15 will be afforded the opportunity to make a brief
16 statement in addition to responding to questions.

17 Third, any person who during the course
18 of these hearings may have been inadvertently
19 mentioned in a derogatory manner will be afforded
20 a fair opportunity to respond prior to the adjourn-
21 ment of our hearings.

22 And, fourth, all witnesses have been
23 instructed that in order to protect the rights of
24 each individual who may be connected with the
25 events at Attica, witnesses shall not be permitted

1 to identify any person in connection 10
2 with any incident which may be deemed to be
3 unlawful.

4 These hearings will be followed by such
5 other proceedings, including a written report as
6 the Commission may deem appropriate.

7 The witnesses have been selected by
8 the Commission and the staff to present fairly
9 both the facts and divergent attitudes discovered
10 by the Commission in this investigation.

11 If any person believes that he has
12 material information concerning the events at
13 Attica which has not been presented, then we
14 respectfully request that such persons contact
15 the Commission at its offices in either New York
16 City or in Rochester.

17 I would like to begin our presentation
18 with an historical note: Attica was the first
19 major prison for males built in New York in
20 over a hundred years. It was constructed in
21 1930 and it was constructed in part as a response
22 to the demands for reform of prison conditions
23 which had led to riots in both Dannemora and
24 Auburn in the late 1920s.

25 Then, too, there were reform commissions

1 established to explore the conditions 11
2 giving rise to insurrection.

3 The newspaper comments which the
4 Commission has asked me to read concerning the
5 opening of Attica are most revealing.

6 First, I would read excerpts from an
7 article which appeared in The New York Times
8 on January 22, 1930, more than 40 years ago.
9 It reads:

10 "If the succession of prison mutinies
11 in this State have had no other effect, they
12 have directed an exceptional amount of tension
13 to the new State prison under construction at
14 Attica. When the first out-break occurred at
15 Auburn on July 28th with the almost simultaneous
16 revolt at Dannemora, the opening rush of comments
17 indicated that even among State officials and
18 prison reform bodies there may have been forgotten
19 that a new prison at Attica was contemplated.
20 Whatever may be the outcome of that agitation,
21 the immediate and practical answer to convict
22 revolts has been the new Attica prison."

23 The second article appeared on August
24 2, 1931 in The New York Times at the time that
25 Attica's doors were first opening. It was head-

1 lined--I have the copy here:

12

2 "Attica prison to be convicts paradise."

3 It reads, in part:

4 "Condemned by the Wickersham Commission
5 for its maintenance of Auburn and Clinton prisons,
6 New York State will have an answer to charges of
7 inhuman penal conditions when the new Wyoming
8 State prison opens at Attica within the next few
9 months with its full quota of 2000 convicts.

10 Said to be the last word in modern prison con-
11 struction, the new unit in the States penal
12 system will do away with such traditions as
13 convict bunks, mess hall lock step, bull pens,
14 and even locks and keys.

15 "In their places will be beds with
16 springs and mattresses, a cafeteria with food
17 under glass, recreation rooms and an automatic
18 signal system by which convicts will notify
19 guards of their presence in their cells. Doors
20 will be operated by compressed air, sunlight
21 will stream into cells and every prisoner will
22 have an individual radio

23 "And Atticans take as much pride in the
24 fact that Wyoming is the latest in the so-called
25 human prisons as in the fact that their village

1 has been selected for its site.

13

2 'Almost any citizen can tell the tran-
3 sient that in the new unit costing \$7 million
4 when completed, nothing has been spared to assure
5 decent living conditions for its inmates."

6 I would like to begin now with a member
7 of my staff, a deputy general counsel, David
8 Addison, who, with Miss Barden, who is sitting
9 on my right, has made a study of pertinent
10 statistics pertaining to prisons and to Attica.
11 Prisons in New York, I am referring to.

12 D A V I D A D D I S O N, called as a witness,
13 was examined and testified as follows:

14 EXAMINATION BY MR. LIMAN:

15 Q Mr. Addison, have you prepared a map of the
16 prison in New York State for adult males over the
17 age of 21?

18 A Yes, I have, Mr. Liman.

19 Q And, Mr. Addison, would you describe your
20 findings by reference to the map.

21 A Well, my map portrays location and type of
22 institutions to which adult males over the age of
23 21 convicted of a felony in New York State can be
24 sent. There are three types of such institutions.

25 Maximum security institutions, a medium