

1 cigarettes. This is the medium of exchange.

2 It's in cigarettes.

3 MR. LIMAN: I see we're coming toward
4 the lunch recess, and I think, Dean McKay, if it
5 is agreeable to you, that we could stop Mr.
6 Jackson's testimony now and resume after the recess.
7

8 MR. MC KAY: We will resume the testi-
9 mony of Jackson after the lunch recess at 2:00
10 o'clock.

11 Thank you.

12 (Time noted: 12:30 p.m.)

13 AFTERNOON SESSION

14 2:00 p.m.

15
16 MR. MC KAY: This is the afternoon
17 session of the first day of the hearings of the
18 Attica Commission. We resume continuing the testi-
19 mony of Mr. William Jackson.

20 W I L L I A M J A C K S O N, resumed the stand
21 and testified further as follows:

22 MR. LIMAN: I should say that on my
23 left is Charles Willis and on my right is Stephen
24 Rosenfeld, two of my colleagues. Over on the
25

1 further left is Andrew Liddle and Paul Rodan, 100
2 also of our staff, who was sitting there a few
3 moments ago.
4

5 EXAMINATION (cont'd) BY MR. LIMAN:

6 Q Mr. Jackson, you testified earlier this morn-
7 ing about how you were warned before you arrived at
8 Attica by an ex-convict who had been there about the pos-
9 sibility of homosexual attack. Am I correct?

10 A Yes, sir.

11 Q What was the reality at Attica?

12 A There was--you know, an inmate is--he has no
13 outlet for any of his sexual thing and so a lot of them--
14 it really manifests itself and they become rough-up
15 artists. They--it's a literal rape, you know.

16 The guy explained it to me so that in my own
17 circumstances I found out there were certain areas in
18 the prison which were dangerous areas, if you want to
19 put it that way, so I just tried to stay away from these
20 particular areas.

21 Q What were the area that you felt you had to
22 stay away from?

23 A Like I didn't want to work in the metal shop
24 because of the, you know, the atmosphere there and also
25 the chapel at times.

1 Q You felt you couldn't go in the chapel 101
2 for that reason at times?

3 A Yes, at times, right.

4 Q Was it essentially any area in which there were
5 secluded spots?

6 A This is it. Any area where, you know, where
7 they would be alone, you know, or something.

8 Q Did you have to be on your guard all the time?

9 A Yes. You had eyes in the back of your head
10 all the time.

11 Q Did you carry a weapon?

12 A Yes. I got a piece of, it was a piece of steel,
13 you know. It was ground down. Commonly referred to as
14 a shank. I had one of those.

15 Q Is that pretty common for inmates who want to
16 avoid any of these advances?

17 A It discourages them, I'll put it that way.
18 When you have something like this.

19 Q In fact, were you subject at any time to an
20 attack?

21 A Yes. I got into one fight. This was on a
22 gallery, another buy, we got into a fight. It was
23 broken up later by correction officers.

24 Q What was the outcome of that fight and your
25 resisting attack?

1 A I went to this adjustment committee. This 102
2 was made up of a correction officer, usually one of the
3 higher echelon officers, a parole officer and a service
4 unit man, and they determine what your sentence will be
5 inside the institution, and in this particular case I
6 received a keeplock for two days.

7 Q For getting into a fight?

8 A For protecting your manhood, right.

9 Q What is keeplock?

10 A This is when they lock you in a cell and they
11 feed you in the cell. You are not allowed out for any-
12 thing. You stay right in the cell, 24 hours a day.

13 Q I would like to address some questions to you
14 about subjects that came up in our interviewing of 1500
15 or 1600 inmates of sources of discontent at the prison.

16 Was there much discussion when you were there
17 about comparative sentences?

18 A Much so. There is many cases. I could use my
19 own case for an example. But one particular instance,
20 I was working in the identification department and there
21 was two inmates that came in the same day from different
22 areas, and they were taking their photographs and we
23 was preparing all of the identification materials, and
24 they got to talking amongst themselves, and one was an
25 older black guy and one was a young black guy.

1 I got to talking and the young black 103
2 guy said to the old one, he said "What you doing time
3 for?" And the guy said, "Robbery 2." The other guy
4 says, "Well, so am I. We're doing the same thing."
5 And the old guy says to the young one, "You been down
6 before?" In other words, meaning you been in prison
7 before?

8 He said, "No." The old guy said, "Yes, this
9 is my third or fourth time." And the young guy says to
10 the old guy, "What did you get?" It was either three or
11 four years.

12 The young guy said, "I got 15, it was my first
13 time." And boy, it just draws a lot of animosity out
14 because here they are, the old guy, he knows the criminal
15 system, he had a plea bargaining and he got a deal. It
16 was a different county. It was possibly downstate,
17 where upstate, you know, they give them a larger sentence.

18 So, here is two men with comparable circumstances
19 but not comparable backgrounds and they received this wide
20 disparity in sentencing.

21 Q Are there other examples of that?

22 A I know like there is a lot of change in New York
23 State from the old penal law to the new in 1967. I know a
24 man that's doing 60 to 100 years for two armed robberies
25 and under the new law the most he could get would be 30

1 years.

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2 Q What's the effect of that type of thing in
3 Attica?

4 A Well, this breeds a lot of discontent. A man
5 is, in effect a 60 to 100-year sentence is a life sen-
6 tence. You have no opportunity.

7 He sees a young guy or some guy come in and
8 he done a comparable crime and at this day and age he
9 may get four or five years for the same crime.

10 Q How did you feel about your own sentence of
11 from zero to seven years for selling marijuana?

12 A Well, it kind of makes me feel bad, because I
13 seen people who got indicted for murder, cop-out to a
14 manslaughter charge and get three or four years. And
15 then I got seven for three bags of marijuana. It irri-
16 tates you.

17 Q Is it an embittering experience?

18 A Certainly is. Then you read in the newspaper
19 of people who get arrested and people who have money or a
20 name and maybe two or three times they are arrested.
21 They always get a probation or a fine. And yet, my
22 first arrest, I got seven years.

23 Q Did you have occasion to meet the parole board?

24 A Yes, sir.

25 Q How many times did you meet the parole board?

1 A Twice. 105

2 Q For what purpose?

3 A Under this new law, an indeterminate sentence,
4 the parole board sets the minimum. It's called an MPI
5 hearing--minimum period of incarceration. This is held
6 ten months after your original incarceration, which,
7 for me, was September 1970.

8 Q What happened at this meeting with the parole
9 board?

10 A You go in there and they talk to me, they just
11 said that "You was convicted for marijuana offense and
12 we are here to determine your minimum." I was in there
13 at the most three minutes. It was just a general thing
14 like that. It was all facts that they had in hand and
15 they said, "We'll set your minimum and we'll let you
16 know." This was the entire thing.

17 Q Did they let you know?

18 A Yes. It was two days later I found out what
19 I received for a minimum.

20 Q What was your minimum?

21 A Two years and four months. This was the maxi-
22 mum under law they was allowed to give me. They gave me
23 all of it.

24 Q Was there any explanation given to you?

25 A No. I asked about it and they said they don't

1 have to give explanations. This is entirely at their 106
2 discretion.

3 Q What about the second time you met them?

4 A I met them in February 1972 and it was a
5 repeat performamnce of the first time. I go in, I am
6 there three or four minutes and they, in three or four
7 minutes, they decide the whole future of your life.

8 Q How many men are there?

9 A There is usually three commissioners and
10 several correction officers for security.

11 Q This is right in the prison?

12 A Yes, sir.

13 Q You are wearing prison garb?

14 A Yes, sir.

15 Q At your second hearing, what was the outcome?

16 A I was granted what is called an open date, own
17 program. This means that I will be given parole upon
18 providing a suitable housing and obtaining a job prior
19 to my release.

20 Q Open dates are common, am I correct, in de-
21 termining when the parole board grants parole?

22 A Yes, sir. This is the usual method of release.

23 Q Do I understand that before you are released,
24 you have to have a job?

25 A Yes, sir.

1 Q How does an inmate in Attica go about 107
2 getting a job while he is still in prison?

3 A Well, prior to the uprising, they had phone
4 books and you could look in them, but many times they
5 were four, five years old. You look in the newspapers
6 and you get addresses. And if you wish to write prior
7 to going to the parole board, which is nearly a neces-
8 sity, you even have to pay the postage for the letters
9 and you get names of firms or something that would be
10 in your line or something you could do and you write to
11 these people.

12 In my case I wrote 55 letters and I obtained a
13 job through a man whom I had known prior to my incarcera-
14 tion, and he gave me a job.

15 Q And until you got the job, you were not released
16 even though the parole board had said you could go once
17 you had it, am I correct?

18 A Yes, sir. I recieved a job offer in January
19 and my date was set for March 13th and ten weeks later
20 they finally completed the investigation of the job and
21 I was granted release on March 20th.

22 Q Did anybody give you any help in the prison in
23 finding a job? Are you given any help in locating a
24 job?

25 A No. It's entirely up to you. It's your re-

1 responsibility. I mean, if you want out, you got 108
2 to do it all--do it on your own. I had to pay my own
3 postage. I could have waited until after I went to the
4 parole board and then wrote for jobs, but by the time
5 the mails go, finally, eventually get a job, you are
6 already over your date and then it will take them four
7 to six weeks to investigate the job. You are incarcerated
8 during this entire period. So, it's best to write them
9 beforehand.

10 Q You ultimately helped yourself in getting the
11 job through a friend, am I correct?

12 A Yes, sir.

13 Q Is it unusual to write as many as 55 letters
14 before you get a job?

15 A Not at all. I have seen men write two, three
16 hundred of them. You know, it's hard to find a job. Un-
17 employment, as it is, and there is men standing outside
18 the door looking for a job, and then you get a letter
19 from an ex-con or a con, a convict in prison. It's hard.

20 Q How do you arrange to be interviewed, when you
21 are in prison, for the job?

22 A There is no interviews. I mean, they say that
23 you can get one through the service unit. I have never
24 heard of it or seen it. It's usually just writing--you
25 have to go for a minimum job. When you are writing for a

1 job out of an institution, it's a standard thing, 109
2 \$1.85 an hour jobs.

3 Q Incidentally, you said that phone books were
4 made available so that you could, I suppose, take names
5 off the yellow pages.

6 A Yes, sir.

7 Q Were you allowed to make telephone calls?

8 A No. You can't make telephone calls. I was
9 there for two and a half years and I never made a tele-
10 phone call. I don't know anybody that did.

11 Q Could you receive telephone calls except in an
12 emergency?

13 A No. If you do receive a call, they take a mes-
14 sage and they will deliver it to your cell when they
15 deliver the mail.

16 Q So that, for the two and a half years you
17 were there, you never spoke to your family on the
18 telephone?

19 A No, sir.

20 Q The only time you saw your wife was when she
21 came up?

22 A Yes.

23 Q You did not see your children at all during that
24 period?

25 A No, I didn't see my children for two and a half

1 years.

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2 Q What is the atmosphere at Attica like when the
3 parole board comes to meet? How often does it come?

4 A They come once a month and just prior to them
5 coming, everybody that's going to the board, everybody
6 else knows it because it's really tense beause they
7 don't know. The parole system has no criteria set up so
8 you can make parole. You don't know. It's people who
9 you don't think are going to make it, make it. It's so
10 arbitrary. You just don't know.

11 So, naturally, they are very impersonal about
12 giving you the parole slip. Like you go in and talk to
13 the parole people and when you get all done, instead of
14 telling you what their decision is and, you know, getting
15 it over with then, at least letting you explain away any
16 bad parts in your record or anything, they are very im-
17 personal, they say, "We will let you know." They wait
18 until they are going out the door and then the slips are
19 passed around. Then you find out what you got.

20 Q What is the atmosphere like when those slips
21 come out?

22 A Dispair. You don't know. Everybody, it hits
23 everybody differently, you know. Guys that are sure,
24 "I'm going to make parole this time, you know, I have
25 a really clean record and everything." He gets back a

1 slip that says two years.

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2 Another man who, different circumstances, may-
3 be, you know, had a lot of keeplock or something, he
4 will go and get an open date.

5 Q Are you ever told what is expected of you by
6 the parole board?

7 A The parole board, itself, doesn't. A parole
8 officer just told me, "Keep your nose clean and don't
9 get into any trouble." That was about the extent of
10 that.

11 Q You kept your nose clean for those ten months?

12 A Yes.

13 Q How did you feel when you got hit with the maxi-
14 mum bit?

15 A I figured I worked ten months, I didn't have
16 any disciplinary reports. I figured they will give me,
17 you know, maybe a shot, especially being a first-offender
18 and when I got the slip back, it was really a heartbreak.
19 My family was really expecting it. My wife called up,
20 trying to find out what I got and everything.

21 Q Were you ever punished while you were at Attica
22 other than the one occasion you mentioned where you had
23 been in a fight resisting an advance?

24 A Yes. One other occasion. I had a stove in my
25 cell.

1 Q How did you get a stove?

2 A I made it. You get a piece of fire brick and
3 you dig a little groove in it and you mount a piece of
4 nichrome wire in it. Plug it in and have warm soup, toast,
5 something to eat at nights.

6 Q What was your punishment for that?

7 A I was given a one-day suspended sentence on
8 that.

9 Q What was your relationship to the correction of-
10 ficers at Attica? How would you describe it?

11 A It varies with each individual. I worked with
12 one correction officer who was really out of sight. The
13 guy was really nice. But then you meet other ones and
14 it's so different. Like this guy was out of sight and he
15 would treat you right, you know, and never no hassels or
16 bother you or anything. But then you meet another one who
17 would beat the stick on the wall and holler, "Line up,
18 march", get into this military thing. Everybody is dif-
19 ferent. There is no set standards for the correction of-
20 ficers, what they do.

21 Q Did this regimentation appear to affect the older
22 inmates differently from the younger ones?

23 A Well, they have grown to accept it. Many of them
24 have spent extended periods in incarceration and to them,
25 you know, it doesn't seem to bother them. But to a younger

1 man, a person who is not reay to accept this type 113
2 of thing, it's hard for him. He don't want to, you know,
3 especially some of these Mickey Mouse regulations, if you
4 want to call them that.

5 Q Like what?

6 A Oh, the lineup exactly according to height.
7 Then you are locked in--things like that they could
8 have maybe a recreation. All these regulations about
9 small, minor things.

10 Q Do they build up, the small, minor things?

11 A Different officers do it different ways. I
12 mean like some officers, as I said earlier, will leave
13 a dropper go, this illegal heating device, whereas
14 another one will--he has a perfect right to pinch you
15 for it, because it is an illegal heating device, but yet
16 they are in common use.

17 Q You are a white person and you are from a rural
18 area, is that correct?

19 A Yes, sir.

20 Q Do you think that your relationship with the
21 correction officers was in any way different from the
22 relationship of the majority of the population at Attica?

23 A I really do, because I can relate a lot to the
24 people who work there. Most of them are white--in fact,
25 they are all white, and I can relate to them and they

1 could, like, understand me, but you get a person 114
2 who---like some blacks from New York, they will be talking
3 in the yard and the correction officer don't even know
4 what he said, has no idea, he can't relate to this person
5 whatsoever. So, naturally, they give you--I got a better
6 job and they give you a little better play at everything.

7 Q You think you got preferred treatment?

8 A Certainly. I got an extra shower after I got
9 this job and I had a good job. This is a major thing.

10 Q Were there changes in the inmate population
11 while you were at Attica over that two and a half-year
12 period?

13 A I would say there was. Especially working in
14 the identification. The inmates seemed to become more
15 younger. Become younger and more aware, they seemed
16 to be more aware of what's going on around them, what is
17 happening, you know, and very discontent.

18 A lot of the older inmates are gradually fading
19 away and this younger breed of inmate, many of them for
20 drug crimes, et cetera, they are a little more aware of
21 what's going on around them and everything.

22 Q What was the effect on the correction officers
23 as you observed it?

24 A Well, anybody who--when your books would come
25 in, like if somebody was reading any type of a literature

1 which, you know, they considered revolutionary, 115
2 militant, this was really bad. They would really come
3 down on these people, you know, because they figure
4 they want to change and they just really got uptight
5 about the whole thing.

6 Q What was the mood at Attica prior to the upris-
7 ing in September, how would you describe it?

8 A Well, early in the year they had made the
9 changes from calling it a prison, they changed it to a
10 correctional facility. They changed the name of the
11 guards to correction officers. A lot of these changes,
12 and we really--the people inside expected there is going
13 to be some changes, but there were none.

14 The names were changed, but the thing inside
15 was all the same. There was nothing changed. So, we
16 kept expecting it and there was a lot of tenseness. And
17 then, later, a manifesto was made up of simple human
18 things that was asked for. And shortly thereafter Mr.
19 Oswald came and made a visit to the prison--

20 Q That was the first week in September, just be-
21 fore the uprising?

22 A Yes.

23 Q Did you hear Mr. Oswald speak on the tape sys-
24 tem at the institution, he had a tape speech to the in-
25 mates?

1 A Yes, sir. The radio operator announced 116
2 it. There would be a tape speech for--at 7:00 o'clock
3 by Mr. Oswald, so everybody had the earphones on and
4 I listened to it, too. Everybody bid.

5 Q And what was the reaction to the speech? You
6 heard him talk about reform and changes. What was the
7 reaction to the speech?

8 A I took my earphones off and all I could hear
9 was earphones hitting the wall and people hollering,
10 "That's a copout, that's a copout," because he didn't do
11 nothing. All he said was, "Well, we would like to do
12 this and we would like to do that." He didn't so much
13 as make one concession, such as giving a man soap or
14 giving a man an extra shower. He did not make any con-
15 cessions whatsoever.

16 Q Do you think that the visit helped reduce the
17 frustration?

18 A No. If it did anything, it increased it even
19 more so.

20 Q That's your opinion?

21 A Yes, sir.

22 Q And that's based on--

23 A On my personal knowledge of what was going on
24 inside.

25 Q Now, you were there for two and a half years

1 and under this regime of spending most of your 117
2 cime in the cell and marching to various places to
3 eat, to work. Did you make any effort to obtain a
4 place in a medium or minimum security institution?

5 A Yes, sir. Right upon my initial appearance,
6 when I first came to Attica, this is in November,
7 December 1969, I asked--I asked to be transferred to the,
8 one of the camps. These are minimum security camps. And
9 I wrote to the service unit and the parole office and
10 an answer was sent back saying that I had too much time.
11 I had seven-year maximum and the maximum allowable to go
12 to these camps was a five-year maximum; so I was in-
13 eligible to go to these camps.

14 Q After you got your date from the parole board,
15 which I think you said was about all told two years and
16 four months--

17 A Yes, sir.

18 Q (continuing) --did you then try to go to the
19 camps?

20 A After I had over two years in, this would cut
21 my minimum down to less than five years. This was in
22 October 1971. I again wrote to Mr. Oswald and the
23 service unit to find out if now I would be eligible to
24 go to one of these minimum security camps. At this time
25 they told me that I was too old to go to the camp, so I

1 still didn't meet the criteria.

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2 Q There was no place for you in any of the
3 lesser security institutions?

4 A No, sir.

5 Q You talked about carrying a weapon for self-
6 protection. Were there periodic cell searches at
7 Attica to look for weapons and contraband?

8 A Oh, yes. They would--different times they
9 would do what they called a shakedown. The men would
10 be in the messhall and when you come out, they would
11 have two rows of officers lined up right down the hall-
12 way and you would march between them and then they would
13 have you stand up against the wall and they would search
14 you, personal search, and then they would have cell
15 searches, and you are at work and stuff.

16 Q What was the impact of those practices?

17 A Well, many men who didn't have nothing in their
18 cell and didn't have nothing on them, they would go on
19 into their cells and--they don't have to live there, so
20 they would tear the thing up. They do a thorough
21 search. The way that they search is just the way they
22 leave it. They pull the books off the wall and throw
23 them on the bed and turn the mattress over. When they
24 get done, they walk out. That's it.

25 Q Are you speaking from personal experience?

1 A Yes, sir, I am.

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2 Q Did that also vary from officer to officer?

3 A Certainly did. Some officers would be--they
4 would come in and they would say, "Well, I got to do
5 a search of your cell. Will you stand over there by
6 the door. This won't be bad."

7 The guy would check things out.

8 I had another case where an officer come into
9 my house and really tore it up and during the entire
10 search, he made me stand outside the door with my hands
11 up against the wall, and my feet spread apart. It took
12 him probably 20 minutes to search.

13 Q On parole are you under certain restrictions?

14 A Yes, sir.

15 Q Would you describe what the restrictions are
16 as long as you remain on parole?

17 A I have an 11:00 o'clock curfew. I have--right
18 now I have no driver's license and this really is re-
19 stricting me, because I live in a rural area. There is
20 no public transportation and I am trying to get back
21 and forth to work. At the present time my wife gets up
22 three hours early, drives me to work, comes back and
23 then she gets ready and the kids go to school and then
24 when I get out of work, I have to wait and she drives
25 out and picks me up. This is one of the major ones

1 that really hurts in my particular area. 120

2 Q If you violate parole, what can happen?

3 A If I violate, they can just take me back to
4 the institution, reincarcerate me and make me finish the
5 entire period.

6 Q You understood that when you were sentenced,
7 you were being committed to Attica for punishment and
8 for rehabilitation. Did you hear the judge utter words
9 like that when your sentence was passed?

10 A Yes. He said something similar to that.

11 Q You now have spent over two and a half years
12 there during your internment period. As you reflect
13 back on it, do you think that in your case the incarceration
14 served these purposes?

15 A When I was originally incarcerated, nobody
16 during my entire period ever spoke to me about marijuana.
17 Nobody ever said a thing to me. It was strictly a punish-
18 ment thing. I never even had a talk with anybody about
19 it.

20 Q You were in for a marijuana offense?

21 A Yes, sir. I never even--I never had so much
22 as a discussion with any personnel about marijuana or
23 anything like this. It was just a thing of doing their
24 time, do whatever the judge says you had to do or the
25 parole board, and then leave. That was the way the whole

1 whole thing was set up.

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2 Q When you say you didn't have a discussion with
3 anybody, you had mentioned earlier the parole board ques-
4 tioned you about your offense, but nobody at the prison,
5 itself, talked to you about marijuana or the things that
6 you were put into jail for?

7 A No, sir. The whole time--"While you are here
8 for giving away this marijuana, do you have anything
9 you want to discuss about the case? Are you guilty?"
10 I tell them I got appeals pending. "Well, we won't
11 talk about it."

12 Q That's the parole board?

13 A Right. This is also the service unit or the
14 parole officer himself.

15 Q Do you think that Attica did anything to help
16 you adjust to society and its rules?

17 A None whatsoever. While you are living in
18 there, everything is regimented. You aren't expected to
19 make any decisions for yourself. They treat you like
20 a child and yet they will take you and push out there
21 and say, "Okay, you go on back out in the world and
22 you become a good citizen, because we really done a
23 great thing for you," and it really does nothing. It's
24 like two and a half years somebody took and says, "You
25 can't have this part of your life, we're going to throw

1 that away. It's out of your existence. You 122
2 lost that. That's how Attica reacted to me.

3 MR. LIMAN: I have no further questions
4 of this witness.

5 Dean McKay?

6 EXAMINATION BY MR. MC KAY:

7 Q I would like to ask you one or two questions
8 and perhaps other members of the Commission would.

9 You said this morning that during the various
10 jobs that you held in the institution you ordinarily were
11 locked up 16 to 18 hours a day.

12 A Yes, sir.

13 Q Did you work five days a week or six days a
14 week or seven days a week?

15 A On all the jobs except the identification job,
16 I worked five days. On the identification job, I
17 worked five and a half. I would work Saturday mornings,
18 but the rest of them it was usually five-day jobs.

19 Q When you had a five-day job, what was your
20 experience with being locked up in your cell, how many
21 hours a day in those circumstances?

22 A Around 16, 17 hours a day.

23 Q I asked the question the wrong way. On the
24 days when you were not working.

25 A If I wasn't--like the last job, I was working