

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

1 five days. If they held yard, I would go to the 123  
2 yard, but some days they wouldn't have what they call  
3 coverage, you know, so they wouldn't hold any yard, so  
4 you would have to stay in your cell all morning. Then  
5 in the afternoon they would be sure and have yard, I  
6 would go out and walk around. I used to jog, but they  
7 made them stop that after the uprising. No longer can  
8 you run. They used to have weights in the yard and they  
9 no longer have those.

10 Recreational facilities are really--there is a  
11 lot less now than we had before.

12 Q I want to ask a question or two about the parole,  
13 also. If you had not found a job on your own, how long  
14 would you have stayed in the institution?

15 A After you are over your date, two months after  
16 your possible release date, then the parole officer ar--  
17 ranges for you to see a parole employment officer and  
18 then he starts looking for a job for you, and then if  
19 you go six months over your date, you reappear at the  
20 parole board and they talk to you again.

21 Usually they continue the date longer. I have  
22 seen men go over a year that had an open date because I  
23 worked in the identification. I have seen one man went  
24 over a year with an open date waiting to find a job.

25 Q What kind of jobs do they typically find for

1 those who could not find jobs on their own? 124

2 A I really can't say too well, but I know what  
3 a lot of men went out to. Like washing dishes. It's a  
4 minimum job. It's hard to get a--unless you are experi-  
5 enced in one particular field, it's hard to get a job  
6 that isn't just plain manual labor and a cheap rate.

7 Q What is your present job?

8 A I work in a sheet metal factory at the present  
9 time.

10 Q If you wanted to change that job, would you  
11 have to have the consent of your parole officer?

12 A Yes, sir.

13 Q What other conditions--is your parole different  
14 in respect to conditions than others or is yours typical?

15 A Mine is typical. Upon your parole, they give  
16 you a list of parole conditions. I received this when I  
17 come home. It's the first time I seen it, but it just  
18 tells you, you know, you have to notify them of any  
19 change in job and residence and all this type of thing.

20 Then, no driver's license. The voting. You  
21 can't vote. And things like this.

22 Q How often do you have to see your parole of-  
23 ficer?

24 A At the present time I have write-in reports and  
25 he comes to Jamestown--this is where I live, Jamestown,

1 those who could not find jobs on their own? 124

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19 change in job and residence and all this type of thing.

20 Then, no driver's license. The voting. You  
21 can't vote. And things like this.

22 Q How often do you have to see your parole of-  
23 ficer?

24 A At the present time I have write-in reports and  
25 he comes to Jamestown--this is where I live, Jamestown,

1 New York--and he comes there and will call you 125  
2 up and then you go and meet him.

3 MR. MC KAY: Thank you. I think we  
4 might take questions now, working from one side of  
5 the Commission to the other.

6 Mr. Henix.

7 EXAMINATION BY MR. HENIX:

8 Q I have actually three questions relative to  
9 some of the things you already answered.

10 One of the things that I have noted in the  
11 pictures that was shown of Attica in the yard, and  
12 as the camera moved throughout the penitentiary, the im-  
13 pression I got of the yard was that it was huge. I think  
14 that any viewer who saw this picture would get this im-  
15 pression.

16 Would you say that the yard is big enough to  
17 offer the type of recreation that would be necessary for  
18 a person to really recreate?

19 A No, because if you have men out there playing  
20 football, which they used to have as a sport, nobody  
21 else could go on the field. It's small. Like the foot-  
22 ball team is 18 men. 500 men that is supposed to use  
23 this yard. And they are using the whole field. So, the  
24 other 460 have to walk around the outside, the perimeter,  
25 because this is the only room they do have.

1 Q I have two more questions. Another 126  
2 one is, I just want--a little closer statistics. You  
3 said the majority of the guys have drops, you know.

4 A Droppers.

5 Q I am assuming, and which I know as a fact that  
6 a guy gets things out of the commissary and it tastes  
7 better warm.

8 A Certainly.

9 Q Even though they sell them, there is no way in  
10 order to heat them up, like if you decide to buy a certain  
11 thing that normal people would eat warm?

12 A Right.

13 Q The only way you could do it is have a drop.  
14 Percentagewise, how many men of the institution--you said  
15 the majority--what would you say?

16 A I would say 75 to 85 per cent would have one  
17 of these. Either this or a stove. One or the other.

18 Q The last question is, which I am kind of con-  
19 fused on, is the reference to your sentence. You said you  
20 had three bags of marijuana?

21 A Yes, sir.

22 Q Which you were giving away?

23 A Yes, sir.

24 Q You weren't sentenced to seven years for selling  
25 marijuana?

1           A     Sale under New York State law is gift, 127  
2     bartering or medium of exchange. A gift is the same  
3     thing as selling it.

4           Q     How do you feel, in view of the fact now that  
5     the attitude about marijuana has changed radically and  
6     you still got seven years?

7           A     I am still doing the same. I am still being  
8     punished for the same thing. Now, they say, while it  
9     isn't so badk, but this doesn't mitigate my sentence or  
10    anything. I can still--actually, I could be violated  
11    tomorrow and go back and spend another four and a half  
12    years there.

13          Q     You would feel it was unjust?

14          A     Yes.

15    EXAMINATION BY MR. ROTHSCHILD:

16          Q     Mr. Jackson, I have one question I wanted to  
17    ask. It's really for clarification and has to do with  
18    Mr. Oswald's tape discussion the week before the problem  
19    at Attica.

20                You say it was very disappointing and I gather  
21    that's what we heard elsewhere. The thing I am curious  
22    about is was it, in fact, to your knowledge, had any cor-  
23    rection commissioner ever before even appeared or spoken  
24    to the penitentiary in any fashion?

25          A     The prior correction commissioner, Mr. Maginnes,

1 I believe he was in office something like 20 years, 128  
2 and he was completely away from the whole situation .  
3 And knowing how vocal Mr. Oswald was and how he had come  
4 on strong, much was expected of him. And there is why I  
5 think that the people really felt bad about it that he  
6 didn't make a minor concession.

7 If he had made one or two, I think it could have  
8 been averted, really.

9 EXAMINATION BY MRS. GUERRERO:

10 Q I just want to ask you, were you, while in  
11 prison, did you fraternize much with the black inmates?

12 A Yes, I did. One of the--I worked with black  
13 inmates. Let me put it this way: I have come from a  
14 rural atmosphere. I didn't relate too much to black and  
15 Puerto Rican people. If nothing else, I learned that I  
16 can, you know, relate to them and that was the only good  
17 thing maybe come out of it. You learn that, you know,  
18 everybody is the same.

19 Q You acted naturally as you would in your en-  
20 vironment at home. You were not there to relate, were  
21 you?

22 A No, they would rather keep it segregated. This  
23 way that's one of the things they like. Certain shops  
24 were segregated. The silk screen shop I worked in was  
25 always pure white. That's the way they kept it.



1 MRS. GUERRERO: Thank you.

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2 EXAMINATION BY MR. BRODSKY:

3 Q You spoke about you had preferential jobs,  
4 Mr. Jackson. Do you think you got those jobs because  
5 you were white?

6 A I would say this had a lot to do with it.

7 Q You went to high school?

8 A Yes. And usualy I would go---you see the cor--  
9 rection officer and you talk to him and I was, you  
10 know, fortunate, I could relate to them. They get---  
11 lots of times when some of the downstaters from New  
12 York would talk, they couldn't catch on to what they  
13 call the hep talk or whatever. So they could relate  
14 a little more to me and this, I think, helped.

15 Q Were there any blacks in this kind of job?

16 A There were, you know, what you would call  
17 token blacks in certain jobs, yes. But that was about  
18 all.

19 Q Could you tell us a little more about the liv-  
20 ing costs?

21 A This was given by the chaplains at the insti-  
22 tution, and all they talked about was mainly on, well,  
23 you should come to church and maybe we can help you out.  
24 Things like this. The chaplain at the institution pro-  
25 vides like birthday cards, greeting cards for the inmates.

1 And he told us what he could do. He would get 130  
2 the cards for you. If you had any trouble at home or  
3 something and you would like to discuss it, you could  
4 go talk with the chaplain or if you had trouble with  
5 your letter writing, you wasn't getting letters from  
6 home, he would bring a letter home for you.

7 Q He has initial interviews with you, too,  
8 doesn't he?

9 A At the time I went there, I never received an  
10 initial interview.

11 Q Just one more. Do you fear from your appear-  
12 ance here today any kind of parole reprisal?

13 A I mean, you know, I have some thoughts about  
14 this. I don't know. I don't know what will happen.  
15 But I felt that it's got to come out eventually and people  
16 have a right to know.

17 We pay, I don't know, I believe it's something  
18 like \$6000 a year that the taxpayers paid to keep me in-  
19 carcerated per year. They didn't get nothing for their  
20 money. It was a waste. Why don't they do something  
21 with the money?

22 MR. BRODSKY: Thank you.

23 EXAMINATION BY MRS. WADSWORTH:

24 Q I have one question in the area of parole  
25 which seems to me to be one of the top priority issues

2 to which we should be directing our thoughts.

3 I believe that you said that when you went  
4 before the parole board, there were three commissioners,  
5 three parole officers.

6 A Yes.

7 Q And there were others in the room who were cor-  
8 rectional officers who were there as guards; is that  
9 right?

10 A Yes.

11 Q Were there any other people in the room at that  
12 time who were making these judgments? What is the make-  
13 up of those who make this decision, as to what kind of a  
14 slip you're going to get?

15 A Usually there is an institutional parole of-  
16 ficer and there is a stenographer, also. And the first  
17 time that was the entire makeup. This last time Judge  
18 Fisher was there, several other persons whom I don't  
19 know. But the whole decision, as I understand it, is  
20 made by the three commissioners who are present. It  
21 doesn't require a vote on the entire board of twelve.  
22 Just the three who are there.

23 Q And then there is no one with whom you are  
24 living day by day who is really a part of the decision;  
25 is that correct?

---

1 A That is correct.

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2 EXAMINATION BY MR. CARTER:

3 Q Mr. Jackson, let's pin down this issue of  
4 preferential treatment.

5 Were there blacks in Attica who had high school  
6 education like yourself?

7 A Certainly.

8 Q Were they treated as well as you, as far as  
9 job assignments?

10 A No. It was just one of those---there was certain  
11 jobs--well, the hospital was one where it was mostly white.  
12 There was very few blacks who worked in the hospital.

13 Q Were whites---in other words, what I am trying  
14 to find out is, were whites who had less education than  
15 some blacks, did they get--nonetheless get better jobs?

16 A The fact of their being white is an asset, you  
17 know.

18 Q I just wanted to be sure I understood you on  
19 that.

20 MR. CARTER: That's all.

21 EXAMINATION BY MR. MARSHALL:

22 Q Mr. Jackson, were you ever physically abused  
23 by the correction officers?

24 A No, sir, I was not.

25 Q Did you see any of that?

1 A Yes, sir.

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2 Q Can you say something more about that?

3 A I testified in federal court in October for  
4 it. I was out shortly after the uprising was put down.  
5 I was on a cleanup detail and at this time they were,  
6 to use the term, they were running a gauntlet. Two  
7 lines of officers and putting inmates between them. I  
8 seen two examples of this.

9 Q Is that the only comment--

10 A Yes, sir, that is.

11 EXAMINATION BY MR. WILBANKS:

12 Q You mentioned that there is disparity in sen-  
13 tencing in the courts. Have you also found disparity  
14 in sentencing by the adjustment committee? In other  
15 words, if two different persons got involved in a fight,  
16 did the inmates predict who will receive a tough sen-  
17 tence and who won't, or is it arbitrary?

18 A In the whole thing it just depends on who you  
19 are, what your status is in the institution. The worst  
20 thing is to be black and militant. It's a little bet-  
21 ter to be white and militant. If you are white and a  
22 nice guy, then you even get a better play. This is how  
23 the sentencing goes and it depends upon how the officer  
24 writes up the report on you.

25 He makes his own report. He will say, "I saw

1 John Doe cooking with an illegal heating device." 134

2 He can spice this up a little bit, too, and  
3 you have no right to see what he wrote. When you go  
4 in there, you take what they give you.

5 Q You don't have a right to confront the offi-  
6 cer?

7 A No, sir.

8 MR. MC KAY: I have one more question,  
9 on reflection. A summary question.

10 EXAMINATION BY MR. MC KAY:

11 Q I understood you to say that you were in a  
12 relatively favored position among the inmates in the  
13 institution because you were white. Because you came from  
14 an essentially rural background and, therefore, could  
15 relate better to correction officers. Because it was  
16 your first offense, perhaps because it was a nonviolent  
17 offense and because you played the game according to their  
18 rules, so you really had no problems and perhaps were  
19 favored in various ways, except in one respect, on the  
20 parole. And there you got socked as hard as you could  
21 be socked.

22 A Yes, sir.

23 Q You still have no reason for that, as you  
24 think about it, arbitrary judgment?

25 A Right. This is the bad thing. A man goes to

1 the parole board and when he comes back, he can 135  
2 go ask the parole officer, "Why did I get hit?" He  
3 will tell you, "We don't have to tell you." They don't  
4 tell you why you get hit or what the criteria is to make  
5 parole.

6 So, a man is going in there and he is at odds  
7 with himself the whole time. He doesn't know whether  
8 he is going to make it or if he continues his behavior,  
9 if he has good behavior if it's going to do him any  
10 good. He has no idea on the whole thing. It's really  
11 bad.

12 Q Would you guess, then, that perhaps there was  
13 some unfavorable report from a correction officer that  
14 you did not know about?

15 A Very possible. Or on many occasions I think  
16 it goes right back to the original probation report. A  
17 probation report was made up on me. I was never allowed  
18 to see it. Anything that was written in there, I cannot  
19 rebut. I don't know what's in there. And I can, you  
20 know, take a guess, but this here is used as a predicate  
21 to sentence me and then it's used as a predicate for the  
22 parole board to set my minimum. This thing is working  
23 against me the whole time and yet--there can be some  
24 erroneous material, there is nothing I can do about it.

25 MR. MC KAY: Thank you.

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1                   Were there any other questions from 136

2                   members of the Commission?

3 EXAMINATION BY MR. MARSHALL:

4           Q       Can I ask one more.    You testified about some  
5 rather minor changes that were made since the events in  
6 September, more toilet paper, free soap.  Apart from  
7 those, is there any general or summary kind of descrip-  
8 tion that you would make about what changed after those  
9 events at Attica?

10          A       Well, I would say since the insurrection, we  
11 have lost a lot of our recreation.  This is not being  
12 made.  Lost hobby permits.  They made some minor con-  
13 cessions.  I mean, I think this was mainly because of  
14 the public was looking on.  And then they made a thing  
15 on--they were going to change the censorship and actually  
16 they just changed things around.  It's just as tough as  
17 it ever was.  They have made no real concessions what-  
18 soever.

19                   When I left three weeks ago it was the same as  
20 it always was, only a little bit worse.  Just hasn't  
21 changed at all.

22                   MR. MC KAY:        Had the Inmate Grievance  
23 Council been instituted before you left?

24                   THE WITNESS:        I voted the Friday before  
25 I left.



1 MR. MC KAY: Do you think it 137  
2 will make a difference?

3 THE WITNESS: Hopefully, it will. I  
4 think this will develop a little more rapport be-  
5 tween the inmates and the administration, whereas,  
6 before there was none whatsoever.

7 MR. MC KAY: Thank you very much,  
8 Mr. Jackson. You have been most helpful.

9 (Witness excused.)

10 MR. LIMAN: While we are waiting for  
11 the next witness, I wonder whether the camera can  
12 focus on the menu which we put on the easel. There  
13 is a menu there for, I believe, August 15, 1971.

14 Mr. Jackson previously described the supper  
15 menu and I think it would be informative to take a  
16 look at a menu.

17 This is August 15, 1971. If you can scan  
18 with the camera: this is breakfast, this is dinner,  
19 lunch hour, this is supper.

20 For radio, the supper is French onion  
21 soup, salteens, pineapple jam, bread and tea.

22 Pick out really indiscriminately any day  
23 just to get an idea of what it looks like. This is  
24 Tuesday. It shows rice crispies for breakfast with  
25 milk and toast.

---

1           Would you now scan toward the mid-day <sup>1138</sup>  
2 meal.

3           Sliced corned beef, fried potatoes.

4           Could you now move onto the night meal.

5           Grilled cheeseburger.

6           Now you are on Wednesday. Could you now  
7 scan across. We are at breakfast, mid-day meal,  
8 now to dinner, which is--I can't read that easily  
9 here.

10           Is that sliced bologna?

11           On Thursday, breakfast, could you scan  
12 across, please.

13           Salisbury steak for mid-day meal and  
14 across for the night meal, please. That's beef  
15 hash.

16           Now, the last--Friday, please. Breakfast  
17 and now would you move to the mid-day meal. That's  
18 fish sticks and then further, tuna and egg salad.

19           Mr. Chairman, our next witness is Mr.  
20 Matthews and Mr. Addison will question him.

21 R O B E R T       M A T T H E W S,       called as a witness,  
22 was examined and testified as follows:

23 EXAMINATION BY MR. ADDISON:

24 Q       Mr. Matthews, what city are you from?

25 A       Buffalo.

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