

2 p.m.

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3
4 MR. MC KAY: This is the afternoon of
5 the fourth day of the hearings in a report to the
6 public by the New York State Special Commission on
7 Attica.

8 I know that some of you have been with
9 us before but if you will indulge me long enough
10 to remind those who are joining us for the first
11 time of briefly the background of the Commission,
12 the members of the Commission and our mission.

13 The Commission on Attica was created
14 for the purpose of investigating and reporting
15 to our fellow citizens the facts and circumstances
16 leading up to, during, and after the events of the
17 Attica Correctional Facility in September, 1971.

18 I am Robert McKay. The other members of
19 the Commission, eight in number, are with me now.

20 Let me introduce them to you.

21 Beginning at my extreme right, the first
22 member of the Commission from that position is Mr.
23 Burke Marshall, Deputy Dean of Yale Law School, and
24 former Assistant Attorney General in Charge of
25 Civil Rights under the late Robert F. Kennedy.

2 participate in Community Projects of a variety
3 of natures in Monroe County in Rochester, which
4 is where we held hearings for three days last
5 week.

6 The Most Reverend Edwin B. Broderick,
7 Roman Catholic Bishop of Albany.

8 Mr. Amos Henix, to my immediate right,
9 former inmate and currently Executive Director of
10 Reality House, a drug rehabilitation program in
11 Manhattan.

12 On my immediate left, Mrs. Amalia
13 Guerrero, President of the Society of Friends of
14 Puerto Rico.

15 To her left in the empty chair will be
16 Robert Carter, who was the General Counsel of the
17 NAACP and is now a practicing attorney in New York.

18 Mr. Walter N. Rothschild, Chairman of
19 the Board of the Urban Coalition and formerly
20 President of Abraham and Strauss.

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

24 The Commission members were asked to serve
25 by the five principal judicial officers of the

1 State of New York, including Chief Judge Stanley 127

2 Fuld of the Court of Appeals and presiding justices
3 of the four appellate divisions.

4 These hearings, following three days of
5 hearings in Rochester, New York, mark the beginning
6 of the Commission's report on Attica.

7 We intend to make such other reports to
8 the public in writing or through the media as we
9 believe are required to present the full truth about
10 Attica.

11 As we listen to the testimony at these
12 hearings which, as citizens, must judge what are
13 the proper goals for Attica and other penal
14 institutions. No less is at stake than the well
15 being of our society.

16 We must decide whether our commitment
17 is to vengeance or to rehabilitation.

18 We must determine whether all that we can
19 do is to punish for acts which cannot be undone or
20 whether our institutions can also serve to prevent
21 repetition of those acts.

22 There is, we believe, additional purpose
23 to be served by these public hearings at this time
24 before the Commission has reached final conclusions
25 about the content of the written report to be filed

1 with the public in the early summer. Accord- 128
2 4
3 ingly, we welcome additional statements from indi-
4
5 viduals or groups about the events at Attica that
6
7 will supplement or enlarge our understanding of
8
9 those tragic days.

10 If there are those who wish to be heard
11 in person, the Commission requests that they advise
12 us of that fact so that we can arrange further
13 hearings before the Commission after the conclusion
14 of the hearings now scheduled for the next two
15 weeks in New York City.

16 The Commission has taken the unprecedented
17 step as we believe it to be, of making its public
18 presentation on television in television studios
19 because it is our belief that television can pro-
20 vide the widest possible public access to the testi-
21 mony to be given and the data the Commission's
22 staff has gathered.

23 We simply recognize that in this communi-
24 cations age there is no longer any point in pre-
25 senting materials in traditional hearings as
though only a few members of the public were
watching.

Accordingly, we are especially grateful
for the facilities that have been made available

1 5 to us in Rochester through the courtesy of 129
2 Channel 21 of the National Educational Television
3 Network in that City, and here in New York City
4 through the equally generous cooperation and
5 assistance of Channel 13 in New York.

6 During the course of the hearings we have
7 a number of witnesses who will testify to events
8 that occurred before, during and after the tragic
9 events of September, 1971.

10 It is important that those witnesses be
11 fully advised of their rights as well as their
12 obligations in this hearing and so we have adopted
13 what we believe are appropriate ground rules for
14 the conduct of witnesses who appear before us
15 willingly in every case.

16 The following procedures will be observed
17 during the taking of testimony.

18 First, witnesses will be questioned only
19 by Commission counsel and by the members of the
20 Commission.

21 Second, pursuant to law each witness
22 will be afforded the opportunity to make a brief
23 statement in addition to responding to questions.

24 Third, any person who, during the course
25 of these hearings may have inadvertently been men-

1 tioned in a derogatory manner should be afforded 130
2 a fair opportunity to respond prior to the adjourn-
3 ment of these hearings.

4 Forth, the witnesses have been instructed
5 that, in order to protect the rights of each indi-
6 vidual who may be connected with the events of
7 Attica, witnesses shall not be permitted to identify
8 any person in connection with any incident which
9 may be deemed to be unlawful.

10 This afternoon we have some variations
11 in our ordinary proceedings and we have the bene-
12 fit of a pictorial presentation, a little later
13 a film as well as witnesses.

14 And I will ask our counsel, Arthur Liman,
15 who has assembled a splendid staff and done a
16 mos expert job for the Commission, to disclose to
17 you what the plans are for the day.

18 Mr. Liman.

19 MR. LIMAN: Mr. Chairman, on my right is
20 my first assistant, the Honorable Charles Willis
21 and on my left is Steven Rosenfeld.

22 We have up to now presented the story
23 of the conditions at Attica using witnesses both
24 from the inmate population and the correctional
25 staff, using statistics and even using a 16 millimeter

1 film which we took there, but the Commission 131

2 felt that in order to round out this picture
3 and communicate to the public what the conditions
4 are at Attica, that it would be most appropriate
5 to enlist the services of a reknown photographer
6 and to give him the discretion of taking pictures
7 of Attica as he with his trained eye found it.

8 We have the good fortune of having
9 Cornell Capa volunteer for this and Cornell Capa's
10 reputation and achievements in the field of photo-
11 graphy are well known to every student of that art.

12 Mr. Capa was accompanied on his tours
13 through the institution both by Mr. Paul Rohldan
14 of my staff and on occasions by Mr. Rosbacker.

15 He spent a day there just looking over
16 the institution and seeing it and letting his
17 perceptions develop and then he came back and he
18 began shooting the pictures which he will present
19 to you.

20 I'm sure that Mr. Capa will want to say
21 more about this. I think that they are quite
22 extraordinary and in ways they tell the story
23 even more powerfully than the words of witnesses.

24 C O R N E L L C A P A, called as a witness,
25 was examined and testified as follows:

2 I was asked eventually by Arthur if I
3 would want to look at Attica for the reasons that
4 he mentioned, that photography and a photographer
5 may have something to contribute to what things
6 really are and what the role and the photographer
7 and photograph is what I'm all about.

8 As a human being and a photographer, my
9 personal and professional and civic feeling was to
10 look into it and as my professional life is involved
11 in understanding human condition and trying to
12 perceive what it is all about, I think photography
13 can serve a most useful role in an investigation
14 and that's exactly what I consented to do.

15 I spent three days there and eventually
16 I submitted 26 photographs which I will be showing
17 to the Commission and I have submitted equally a
18 very short written statement and captions for the
19 photographs.

20 I would like to really just read my
21 written statement and following that as the photo-
22 graphs go by, I will do the captioning job for them.

23 At Attica. A Photographic Report.

24 Recently I spent three days at Attica,
25 having been asked by the McKay Commission to take

1 9 a look at the institution and bring back my 133
2 visual report.

3 During the visits to Attica I was, at
4 all times, accompanied by a correction officer and
5 a member of the Commission staff; all persons
6 recognizable in these photographs concented to
7 be photographed.

8 My photographs and their captions con-
9 stitute my report for the Commission. There is just
10 a little more to add.

11 A feeling of nervous expectation seems
12 to prevade Attica. Everybody is awaiting the
13 result of the work of the Commission's investi-
14 gations on the causes of the explosion which occurred
15 there six months ago, and there recommendations
16 for the avoidance of such a tragedy in the future.
17 Both sides, inmates and guards, expect some new
18 things to evolve from the findings--some kind of
19 miracle which will transform the institution into
20 a place where the Biblical lion and lamb will better
21 live together peacefully.

22 The only hitch: each side has its very
23 own view of the meaning of peaceful and better co-
24 existence, and how to achieve it.

25 From the outside, Attica situated in

1 10 in the rolling farmland in western New York, 134
2 has a Disneyland-like appearance, especially at
3 night.

4 Attica's inmates are all locked in their
5 individual cells from approximately 5 p.m. until
6 7 a.m. the next morning. Officers on the night
7 shift make lonely rounds checking the count six
8 times during the night.

9 All movement in Attica is limited by
10 locks. At night the duty officer must carry
11 with him all the keys he will need on his nightly
12 round of inspection.

13 Confined to their 4 x 9 cells, inmates
14 may talk to one another across the cell blocks
15 and play musical instruments until 8 p.m.

16 Locked in a cell a mirror is an inmate's
17 eyes to the rest of his gallery, and whenever
18 something happens, the mirrors appear as if on
19 cue.

20 After 8 p.m. talking and noise are not
21 permitted. There is little to do until lights out
22 at 11 p.m. except read, write letters or listen
23 to one of the three channels of the prison radio
24 which play music, sports and the audio portion of
25 TV shows.

2 prison within the maximum security walls, a small
3 group of inmates in special programs are permitted
4 to remain at night in the block's day room to
5 watch television, play cards or talk.

6 Correction officers on the day shift
7 leave homes in the town of Attica and surrounding
8 communities and report for roll calls at 7 a.m.,
9 9:20 a.m., 3 p.m. and 11 p.m. to receive their
10 assignments.

11 These are the guns and smoke parts,
12 et cetera, what they keep in the armory for emer-
13 gency use only.

14 These are the keys which they use, the
15 whole system is based on keys. This is just a
16 very small selection of all the keys that open
17 all the doors in Attica.

18 On signal the cells open and inmates in
19 each company line up in two's to be escorted down
20 one of the endless corridors to the mess hall for
21 breakfast.

22 In his daily movements throughout the
23 institution, an inmate must pass several times
24 through Times Square where the corridors leading
25 from the four main cell blocks converge and gate

2 Many inmates spend up to five hours a
3 day working in one of the prison's industries, the
4 largest of which is a large metal shop where in-
5 mates build steel cabinets and office furniture for
6 State institutions.

7 For a few hours each day, inmates are
8 allowed to go into their cell block's yard for
9 out door recreation.

10 The sports facilities, always limited,
11 have been even more curtailed since September.
12 For most inmates the yard means walking around and
13 around or standing around.

14 The only opportunity for most inmates
15 to watch TV is outside in the yard. Due to the
16 winter climate and the meager daytime TV schedules,
17 few are interested.

18 While some are out in the yard, others
19 return to their cell blocks. In some areas there
20 are improvised meeting rooms where a few inmates
21 can pursue simple hobbies and handicrafts.

22 For the rest it is back to the cells to
23 pass the hours until supper. The site of disem-
24 bled hands outside the bars playing cards is not
25 unusual here.

1 Some play chess but the opponent re-
2 mains unseen.

3 There is so much idle time, one of the
4 most common activities is preparing legal papers
5 for appeals and writs.

6 9:30 to 3:30 every day are visiting
7 hours. Those inmates whose families live nearby
8 or who can afford the long journey to Attica may
9 receive a visit. Visits take place in a large
10 room, under the watch of officers and a wire
11 screen separates the inmates from his visitor.

12 An inmate's personal touch, often his
13 own creation, is the difference between one cell
14 and another.

15 One of the State-wide changes since the
16 riot is the creation of inmate liaison committees
17 at each institution.

18 The Committee at Attica was elected
19 last month, has adopted a constitution and has
20 begun the task of drawing up projected reforms.

21 Although life at Attica is again becoming
22 routine, grim reminders of what happened there
23 are everywhere.

24 This is the round State Shop in damaged
25 condition beyond repair.

Two of the cell blocks were destroyed and are still unoccupied. D Block yard on which the eyes of the world were focused for four days last September is deserted now. The trench is filled in but remains visible like a scar reminding one of the great illness which fell upon Attica seven months ago.

MR. LIMAN: Thank you.

(Witness excused.)

MR. LIMAN: Mr. Lanny Boone.

MR. MC KAY: Mr. Liman, before you continue, I think we are going to have to recess the hearing for a time and--we have just been advised that there is a bomb threat. We have every confidence that there is not a bomb in the building, but ordinary security cautions suggest that we evacuate the building until a thorough research can be made. We will continue the hearings as soon as that takes place.

(Recess at 2:20 p.m.)

(Resumed at 3:05 p.m.)

MR. McKAY: I stated before that we were glad to have the opportunity to bring these hearings to you. I assure you that I am even more grateful now for the opportunity to say that we're

1 15 all back intact.

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2 The hearings will resume with the testi-
3 mony of Mr. Boone.

4 Mr. Boone, will you rise to be sworn.

5 L A N N Y D. B O O N E, called as a witness,
6 having been first duly sworn by Mr. McKay, was
7 examined and testified as follows:

8 MR. LIMAN: Mr. Boone will be questioned
9 by Steven Rosenfeld, Deputy General Counsel on the
10 staff.

11 EXAMINATION BY MR. ROSENFELD:

12 Q Mr. Boone, how old are you?

13 A 25.

14 Q Would you state what your educational back-
15 ground is?

16 A Approximately eight and a half months at United
17 States Naval Academy, four and a half years, Penn
18 State.

19 Q You are presently an inmate at Attica; is that
20 correct?

21 A That's correct.

22 Q What was the offense that brought you to
23 Attica?

24 A Drugs.

25 Q What was the drug?

1 16 Q Was that possession?

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2 A I was charged with both sale and possession.

3 Q You were convicted of possession?

4 A Correct.

5 Q You arrived at Attica when, Mr. Boone?

6 A October 27, 1970.

7 Q Before you came to Attica, how would you
8 describe yourself in the--and your activities in the
9 political spectrum?

10 A New left.

11 Q What did that mean in terms of your activities
12 on the outside?

13 A Politically radicalized toward the left of
14 a non-violent nature.

15 Q Did you take part in political activities
16 on campus and off?

17 A That's correct.

18 Q Demonstrations and that kind of thing?

19 A Right.

20 Q When you came to Attica, were you able to
21 observe in the months that you were there changes in
22 the inmate population?

23 A Yes. The inmate population is obviously
24 becoming younger, more educated, more politically aware.
25 I would say probably there were more people being

1 brought there for less serious offenses than previously 141
2 and probably more politically oriented crimes.

3 Q Did you maintain your contacts with others
4 of your own age inside the institution who were poli-
5 tically aware and active?

6 A Not at the beginning because there is very
7 little opportunity for contact. You sort of have to
8 feel out where people are at. And not too many people
9 inside are really awake as to what's going on with them
10 and around them.

11 Q Did you subsequently establish such contacts?

12 A Yes. Through the school.

13 Q Were you assigned as a teacher in the school
14 or--were you assigned to work in the self-study program;
15 is that correct, in the school?

16 A Eventually. I had gotten into discussion
17 groups, et cetera, previous to my assignment at the
18 school.

19 Q These were inside the institution among inmates?

20 A That's correct.

21 Q How did this growing political awareness
22 that you described among the inmates manifest itself?

23 A Could you rephrase the question, please?

24 Q Well, what kinds of political activities did
25 you notice going on?

1 18 A Basically it was the same type of organizations
2 that you would expect to find outside the prison. Name-
3 ly, Panthers, Muslims, Young Lords, organizations
4 of that nature.

5 Q Was there a white group?

6 A No, there was not.

7 Q Were you involved with some young white
8 inmates in trying to get something like that started?

9 A Eventually we were but at the beginning
10 there was no type of communication among white inmates
11 whatsoever.

12 Q Mr. Boone, we have heard a lot and there
13 has been a lot written in the press and in a book that
14 recently appeared about a sociology class that took
15 place in the school.

16 You were a member of that class; is that
17 correct?

18 A That's correct.

19 Q How did you get into the class?

20 A I was personally informed that such a class
21 had been set up and I was invited to become a member
22 of that class.

23 Q This class was taught by an inmate; is that
24 correct?

25 A That's correct.

1 19 Q About how many members did it have? 143

2 A I would say between 15 and 18.

3 Q Were the members more or less from all
4 blocks in the institution?

5 A Not at the beginning. Pretty much at the
6 beginning I'd say it was basically from D Block as
7 that's where all the people who were assigned to the
8 school lived and usually you found that people who
9 had a higher educational level to begin with were
10 assigned to the school and had some dealings with the
11 school.

12 Q Did it subsequently gain members from other
13 blocks?

14 A Right.

15 The class over a period of months, the member-
16 ship expanded so that although there were many people
17 who were not officially members of the class, did sit
18 in on the class and took part in the class.

19 Q What was the racial makeup of the class?

20 A At the beginning I'd say it was maybe one
21 quarter to a third black. That ratio--that percentage
22 increased over the months.

23 Q Mr. Boone, very briefly, could you explain
24 to us what the class began as, how it evolved and what
25 it finally became in the summer of last year?

1 20 A As it started out it was strictly a 144
2 sociology class using a college textbook. It was set
3 up on a seminar format. This leads for a very free
4 reign of discussion. At the beginning discussions
5 were limited strictly to textbook sociology. Over the
6 months naturall discussion turned towards sociology
7 in the inmate context, inside, and relations with the
8 outside world.

9 Eventually discussions centered more or
10 less on possible routes of activity that the inmate
11 himself could utilize for bettering his lot and his
12 family's lot and what he could expect to find on the
13 outside when he left.

14 Q Would you say that by the summer of last
15 year it became a central communication point for the
16 activities of various organized inmate groups?

17 A That's quite correct.

18 Q The groups would discuss and coordinate what
19 they were doing in various parts of the institution?

20 A Right. The various groups retained their
21 complete autonomy. The class did itself serve as a
22 subcommunication point, and was in fact, the only real
23 link that the various blocks and groups in the different
24 blocks legitimately had with each other; other communi-
25 cations had to be very furtive. People with passes

1 might take along messages or people might go to
2 religious services to get in a few minutes of talk or
3 pass messages.

4 Q By the way, was there a member of the insti-
5 tution's staff present at the meetings of the class?

6 A No, there was not. There was one, possibly
7 two occasions when a staff member did sit in on a
8 class but other than that none whatsoever.

9 Q What would happen when he did?

10 A We had previously been advised that he might
11 be sitting in so we tried to temper our discussion in
12 such a manner that we hoped that he wouldn't find
13 it offensive to the administration.

14 Q Mr. Boone, can you give us an idea of some
15 of the kinds of activities that were being discussed
16 and coordinated in the class?

17 A Our first level of concern was increasing
18 inmate awareness to himself, to the outside and also
19 on a political level.

20 The various groups themselves were more or
21 less in charge of this. Our purpose was simply to
22 coordinate methods and ideas.

23 Q What were the methods that were being used?

24 A We attempted to dispense legal information
25 to inmates. Most inmates don't know, for example,

1 what a writ of coram nobis is. They never heard of 146
2 it or if they did, they didn't know what it is.

3 So we were attempting to enlighten them
4 in a legal fashion. Attempted to set up personal inmate
5 libraries, soliciting books through legal channels
6 from the outside, making lists of what books were
7 available through the various organizations. Correlat-
8 ting these lists from the various organizations, direct-
9 ing them so that methods of access to be set up.

10 At the same time it was hoped that the various
11 groups and inmates who were not affiliated with groups
12 would rap with people, try and find out where other
13 inmates were at, raise the level of awareness of the
14 white inmates particularly, who were extremely loose,
15 unorganized.

16 We hoped to get new inmates as soon as they
17 come in as we felt this was the best place to begin,
18 reception companies, before they had become thoroughly
19 institutionalized.

20 Q Am I correct that there were actually organi-
21 zed meeting groups that took place in some of the yards
22 during yard time; is that right?

23 A This is correct. These again, like I said,
24 were autonomously set up. The various individuals in
25 the place were responsible for doing whatever they felt

1 was called for and necessary or whatever they could 147
2 get going.

3 Q Did the members of the class institute
4 certain research projects or investigations in the
5 institution?

6 A Yes.

7 Q What were they?

8 A We were attempt to investigate the economic
9 structure of the institution. We started out with the
10 metal shop and its related industries attempt to find
11 out the value produced by the inmate and where that
12 added value was going. How much of it in fact, was
13 being returned to the inmate. We had hoped to extend
14 this investigation to all other industries or pseudo
15 industries within the institution such as farm pro-
16 duction and eventually to services which were rendered
17 by the inmates solely for institution use.

18 Q How do inmates get that kind of information?

19 A You have inmates working as clerks and secre-
20 taries and so on throughout the institution who have
21 legitimate access to these files.

22 In fact a great many times you will find
23 that inmates themselves actually make these files. They
24 set all the information themselves and file it away.

25 Q So this wasn't information that was being kept

1 secret from inmates but no one had ever bothered 148

2 to look at it and analyze it before?

3 A It's true that nobody every bothered to look
4 at it before. It was--it wasn't kept secret from the
5 inmates per se but it was in a sense that I really
6 can't honestly say that the administration wanted the
7 inmate to be aware of what was going on.

8 Q Did an investigation of that type produce
9 a document called the "Anatomy of the Laundry?"

10 A Yes.

11 Q Can you describe that document?

12 A That again, was an independent action which,
13 of course, after the document was produced, came before
14 the class. The essence of that document was that the
15 inmates working in the laundry acquired most of their
16 income not from State pay but from other inmates. The
17 inmate population sends its clothes to the laundry.
18 Inmates in the laundry do their clothes, press it and
19 in return they are paid in cigarettes and we found that
20 the vast percentage of the income of the inmate working
21 within the laundry was coming from the other inmates
22 themselves.

23 And we felt that we had to find some way of
24 discouraging this, that the institution essentially
25 was getting money from the inmates to pay other inmates.

1 Q In other words, you were trying to persuade 149
2 inmates who were making a mint on what you called
3 swagging, to stop getting rich off of other inmates?

4 A We didn't expect them to do it. We hoped
5 that inmates would stop sending their clothing to the
6 laundry to be done by inmates.

7 Q Mr. Boone, you heard this morning read the
8 manifesto that was sent to the Commissioner and the
9 Governor and the Legislature in July of 1971.

10 Were you aware of that manifesto at the time
11 that it was drafted and sent?

12 A Yes, I was.

13 Q In fact two of the signers were members of
14 the class at that time?

15 A That's correct.

16 Q What role did the class have in the manifesto?

17 A The role of the class was imply discussing
18 it after it had already been drawn up and submitted.
19 We did not play any part in its writing.

20 Q What did the members of the class think of
21 it?

22 A They backed it.

23 Q Did they have hopes that it would achieve
24 something?

25 A Hopes, yes. Expectations, no.

1 Q Let me ask you this. The members--the
2 B Block inmates who drafted that petition styled
3 themselves the "Attica Liberation Faction".

4 I want to read you briefly an excerpt from
5 a book which has appeared recently called "Letters from
6 Attica", by Samuel Melville.

7 This is an excerpt from an introduction to
8 that book.

9 "In June 1971 B Block formed the 'Attica
10 Liberation Front' which then expanded to include
11 representatives from all the blocks, each of which
12 had formed workers coalitions and from the Panthers,
13 the Five Percenters, the Lords, People's Part 2
14 and the Muslims.

15 "Sam," referring to Sam Melville, "became
16 the head of the white faction of A Block, chief
17 of the A Block workers coalition and a vice presi-
18 dent of the ALF."

19 Mr. Boone, was there an organized Attica
20 Liberation Faction?

21 A No.

22 Q What was it?

23 A The Attica Liberation Faction existed really
24 in name only. When the manifesto was written up, there
25 was obviously a need for a name on behalf of all in-

1 mates. You might say that the Attica Liberation 151
2 Faction was in fact the people who drafted the docu-
3 ment but as far as a strict organization, there was no
4 such thing.

5 Q Was there elected workers coalitions in each
6 block?

7 A No.

8 Q Is that something people were talking about
9 but hadn't yet got to?

10 A You might say that, yes.

11 Q Mr. Boone, did the class discussion Commis-
12 sioner Oswald and his professed intention to effect
13 changes?

14 A Yes, we did.

15 Q And what was the prevailing opinion among
16 those who discussed it?

17 A Well, at the time that we were meeting, the
18 only action that had taken place so far since Commis-
19 sioner Oswald had been seated was the allowing our
20 sealed correspondence to go out. As there were already
21 several court actions pending the initiative being
22 due to inmates themselves, the inmate population,
23 at least people in the class and I believe that they
24 reflected the general inmate opinion, was that of having
25 been cheated in that the Department of Correction's

1 ruling on correspondence did not go as far as had 152
2 been asked for in the court actions.

3 However, once the Correction Department
4 passed down the ruling, the courts decided that the
5 question was now rather moot and refused to go any
6 further on it so we were sort of stopped dead and we
7 felt in general that this was more or less an attempt
8 by the Corrections Department to retain control over
9 the area of correspondence rather than having it pass
10 on into the courts.

11 Q Mr. Boone, was there also discussion in the
12 class as to what might be done by inmates if the kinds
13 of reforms mentioned in the manifesto were not effected
14 in a reasonable time?

15 The letters accompanying it, as you heard
16 this morning, said that the inmates wanted to do it
17 in a democratic orderly fashion, but was there discus-
18 sion of what might be done if that did not happen?

19 A The possibility of not getting anywhere was
20 recognized, naturally. The possibility of strikes taking
21 place generally were recognized but there were no
22 contingency plans made for any such action.

23 Q When you say strikes, are you talking about
24 work stoppages?

25 A Yes.

1 Q Were there any organized plans for any of that ¹⁵³
2 activity?

3 A No, there were not.

4 Q Mr. Boone, what was the last day that the
5 sociology class met?

6 A August 13, 1971.

7 Q What was the reason that the class stopped
8 meeting at that point?

9 A The institution school was going into
10 recess and that was the last day that school was in
11 session.

12 Q Did it have anything at all to do with the
13 fact the inmate instructor was shortly thereafter sent
14 to the box?

15 A Would you--

16 Q Did the fact that the class stopped meeting
17 have anything to do with the fact that shortly there-
18 after the inmate instructor was sent to the box?

19 A No.

20 Q You said that there were no plans in effect
21 for an institution-wide strike, no set plans but there
22 was, as we have heard this morning, an institution-
23 wide demonstration in August; is that correct?

24 A That's correct.

25 Q And that was the commemoration of the death

1 of George Jackson at San Quentin. What was the 154
2 reaction of the inmates you talked to on the shooting
3 of George Jackson?

4 A Inmates had always generally been aware that
5 in the past institution members could get away with
6 killing inmates as evidenced by the bodies found
7 down in the southern institutions, but nobody ever
8 really expected it to happen, or at least they didn't
9 stop to think about it, as being a real possibility
10 until it happened to Jackson.

11 The fact that there was no official investi-
12 gation into it, that there was a story given out and
13 that it seemed that the outside world believed it,
14 this made it appear to the inmate at Attica if they
15 can get away with it there, they can get away with it
16 anywhere.

17 Q Did the inmates believe the story that was
18 given out?

19 A No, they didn't.

20 Q Why not?

21 A Too many improbabilities. Supposedly Jackson's
22 lawyer brought a gun into the prison, for some reason
23 that gun was not discovered by the institution guards.
24 Somehow he smuggled it, again not being seen, to Jack-
25 son, who managed to hide it in his hair. Supposedly

1 this was a 9 millimeter calibre weapon with which 155

2 I happen to be familiar. It is quite bulky and I find
3 it extremely difficult to believe that anybody hid it
4 in their hair. But somehow he supposedly managed.

5 Then got back to the box without being searched.
6 It is just too much for people to believe.

7 Q Was the reaction to the death of George Jack-
8 son equal among those who you talked with among white
9 inmates and black inmates?

10 A Yes, it was.

11 Q Did you know about the observance and the
12 plans for it before it happened?

13 A Yes, I did.

14 Q How did you find out about it?

15 A I received a typewritten memo giving me the
16 details of what was to happen along with instructions
17 to destroy the memo and pass the information on by
18 word of mouth.

19 Q How was it possible to get typewritten
20 memos around Attica?

21 A Again, you have clerks, typists who have
22 access to typewriters. They use them in their daily
23 work. Obviously they can type something generally
24 without being seen. Every once in a while you get
25 someone busted for using a typewriter for unofficial

1 business but it is not too difficult to do.

2 Q What happened that day?

3 A Breakfast was pretty much confusion as two
4 blocks thought the fasting was to begin at breakfast
5 and the other two blocks thought it was to start at
6 noon meal.

7 Q By noon what was the response?

8 A By noon everybody knew what was going on.
9 In the mess hall I ate in you had approximately ten
10 people who did pick up food and eat.

11 Q Out of about 500?

12 A About half the population.

13 Q And there was silence?

14 A Yes.

15 Q Some people wore black armbands?

16 A Right. Very few. I would say probably as
17 many as an equal number of whites and blacks wore
18 armbands.

19 Q What was the reaction of the correction
20 officers to this kind of organized demonstration?

21 A They were uptight, to say the least, because
22 they didn't really know what to expect. They just sort
23 of stood around dumfounded and silent. They didn't
24 say too much probably most likely out of fear.

25 Q You heard Commissioner Oswald's statement, I

1 think, for the second time this morning. What was
2 your reaction and those who you talked to when you
3 heard it the first time?

4 A It didn't say anything we hadn't already
5 heard before.

6 Q Do you think it contributed to any kind of
7 a mood?

8 A For a segment of the inmate population, it
9 undoubtedly pleased them as they honestly expected
10 something to happen. I would say the majority took
11 it pretty much on a wait and see what happens type
12 of basis.

13 Q Mr. Boone, as you have said you have been
14 through the sociology class. You were in contact
15 with those inmates in Attica who were politically
16 aware and politically active; is that correct?

17 A That's correct.

18 Q You had contact with blacks and white and
19 Puerto Ricans?

20 A White.

21 Q As a matter of fact you knew Sam Melville;
22 is that correct?

23 A That's correct.

24 Q Were there any plans for a take over of the
25 prison?

1 34 A None that I ever heard of.

2 Q Was there any plan for any kind of violent
3 demonstration?

4 A None whatsoever.

5 Q Did you expect a riot to touch off in
6 September?

7 A No.

8 Q Just one more question, Mr. Boone. You were
9 brought down here from Attica first to Ossining; is
10 that correct?

11 A That's correct.

12 Q In a State vehicle?

13 A Correct.

14 Q And then today to New York City?

15 A Right.

16 Q A lot of people have been asking us how
17 inmates are transported down to New York for a court
18 appearance or a hearing like this.

19 Would you just briefly tell the Commission?

20 A They have an undercover steel band which is
21 locked around your waste. Handcuffs. The handcuffs
22 are fastened to the steel band and you have leg irons.

23 Q Are you permitted to answer nature's call
24 when you have to?

25 A Yes.

1 Q When you are in Attica, you were in a gang 159
2 that worked outside the walls; is that correct?

3 A That's correct.

4 Q And you have been given your date by the
5 parole board and you expect to be released pretty soon?

6 A Also correct.

7 Q What was your reaction to the shackles?

8 A I found it rather, I might as well say,
9 humorous, due to the fact I have been a trustee and I
10 am going home. There is no reason whatsoever for me
11 to attempt to escape but I still have to wear them.

12 MR. ROSENFELD: Mr. Chairman, I have no
13 other questions for Mr. Boone.

14 MR. MC KAY: Mr. Liman, do you have any
15 questions?

16 MR. LIMAN: No.

17 MR. MC KAY: Mrs. Guerrero has questions.

18 EXAMINATION BY MRS. GUERRERO:

19 Q How long is your sentence?

20 A Indeterminate, not to excess four years.

21 Q And this was for using LSD or for selling it?

22 A I was charged with attempted sale and posses-
23 sion with intent to sell. I was convicted on possession
24 with intent to sell.

25 MRS. GUERRERO: Thank you. Mr. Henix.

2 Q My only question is, do you feel the fact
3 that you participated in politics while in college
4 and had a history of, you described it as non-violent
5 left, had anything to do with the length of time that
6 you received for LSD, because it seems to me to be
7 a little excessive.

8 A Yes, I do, because I had access to my pre-
9 trial investigation and I found out that according to
10 information received from the Penn State University
11 Campus Police and I believe also local law enforcement
12 officers, the report made me out to be pretty close
13 to the verge of being a bomb thrower.

14 MRS. GUERRERO: That was going to be
15 my question. Whether you thought such a long
16 sentence was for political reasons?

17 EXAMINATION BY MR. BRODERICK:

18 Q Mr. Boone, was this the only class you know
19 that was not supervised or the professor was an inmate?

20 A To the best of my knowledge I would have to
21 say yes.

22 Q It seems rather strange in such a sensitive
23 area that you would have no supervision or no professor,
24 no credentials for this.

25 A When the class was set up, the inmate instructor

1 who started the class, I believe had been an instruc- 161
2 tor, a college professor on the outside. And they
3 felt, obviously, that his credentials were sufficient
4 for operating such a class.

5 Q But it comes through that this class was a
6 kind of rallying point, wasn't it, for people to get
7 together to talk about the institution?

8 A Right.

9 MR. BRODERICK: Thank you.

10 MR. MC KAY: Mrs. Wadsworth?

11 EXAMINATION BY MRS. WADSWORTH:

12 Q Mr. Boone, I noticed you were talking about
13 the manifesto and in this morning's testimony from
14 others we hear that all word goes directly to Mr. Oswald,
15 the Governor, the Legislature and so forth.

16 I find no group of people, of citizens, of
17 volunteers, of the non-vested interest group in this
18 area of corrections as I see in the health area or in
19 social services or in even the arts in New York State.

20 There is always some kind of citizen group,
21 it seems to me, a board or someone like that who is
22 also identified with an area of concern of State-wide
23 proportions. I haven't yet, I don't find this in this
24 criminal justice or correctional part.

25 Do you, as a leader and looking for someone

38¹ to hear your cause and hear your word, do you think 162
2 it would be useful to have some kind of mechanism
3 like this where suggestions and like the manifesto
4 could be directed at other than within the professional
5 side of the institution?

6 A Yes, I do. I feel that when things of this
7 nature are directed simply along correctional lines
8 of communication, they tend to become lost to the out-
9 side world. And it makes it very easy for them to
10 wither and die right there and then.

11 Q Then in this world, which is certainly be-
12 coming more of a consumer world, or a citizen world
13 and people are more interested in having a part in
14 their own destinies on every level and in every way,
15 would it not be useful to have some kind of thought,
16 program or ideas of how this might be achieved?

17 A You are asking me ideas on it?

18 Q Yes.

19 A I would say that we have to find some--
20 probably the first thing to be done would simply be
21 to open up communications for the inmate himself,
22 make it easier for him to contact the outside world.

23 As it is now, he is restricted to whomever
24 they want you to write, you read what they want you
25 to read. You watch on TV and listen on the radio to

1 what they wish you to see and hear. Until these 163
2 channels of communications become more open to the
3 inmate, you can't really hope for too much progress.

4 Q I think this is true. We hear from all of
5 the component parts. We hear of the needed change.
6 We hear of this but I have yet to see any precise
7 mechanism and I think that to find a mechanism is
8 terribly important and for us all not to be going on
9 saying change is important. I was interested in what
10 you thought in whether this was a useful goal and how
11 you might think we do it.

12 A I don't consider it viable to plan for any
13 specific type of mechanism until such time as communi-
14 cations are opened.

15 MRS. WADSWORTH: Thank you very much.

16 MR. MC KAY: Mr. Marshall?

17 EXAMINATION BY MR. MARSHALL:

18 Q Mr. Boone, what time of day was this class?

19 A Pardon?

20 Q What time of day was the class?

21 A This was during the morning. From about 9
22 until 11.

23 Q Did you need to get permission from the insti-
24 tution in order to be a pupil in the class?

25 A Yes, you did.

1 40 Q If you did some kind of work, were you 164
2 automatically precluded from doing that?

3 A No.

4 Once you were accepted into the class, the
5 same as if you were in any other class or even if you
6 had an interview, you were put on a call out sheet
7 which is directed to all blocks and serves notice to
8 the officers in charge that you are supposed to be at
9 a certain time and place on a given day and when you
10 are on the call out sheet, this automatically entitles
11 you to go there. It doesn't matter whether you are
12 called from work or whatever. You go.

13 Q So there was no obstacle to enrolment in
14 the class that you know of?

15 A The only obstacle was that when we started
16 out, we had a limited number of texts and therefore
17 the class was limited to that particular number.

18 Q What was the text?

19 A Offhand I can't recall. It's a basic
20 introductory textbook that you would expect to find
21 in freshman--

22 Q In sociology?

23 A Right.

24 MR. ROSENFELD: Mr. Boone, the class only
25 met once a week, is that correct?

2 BY MR. MARSHALL:

3 Q How many total were in the class at its
4 maximum?

5 A I don't think we ever had more than 20.

6 Q Just following up what the Bishop asked
7 you, were there other classes like this that were
8 sort of in a way meeting groups rather than a formal
9 part of the educational system?

10 I thought that the educational system there
11 was reading and writing and that kind of thing. Was
12 this one of many or was it the only one of its kind?

13 A As far as I know, it's the only one of its
14 kind. You are quite correct that most of the classes
15 were reading and writing. Basically they are aimed
16 towards high school equivalency diplomas. Anything
17 other than that, a higher level than that you have to
18 get through civil study which most of that uses out-
19 dated ICS texts.

20 Some of the courses use college texts. This
21 was the only seminar-type class I was ever aware of.

22 Q It was a class--in order to take it you didn't
23 have to be assigned to the school?

24 A That's correct also.

25 MR. MC KAY: Mr. Boone, I think you were

42 1 in the audience when I announced at the beginning 166
2 of the hearings this afternoon that you would have
3 an opportunity to make a statement of your own if
4 you wish, not in response to any questions.

5 While you are deciding whether you would
6 like to do that, I want to say one thing again that
7 I said before the beginning of the hearings this after-
8 noon that the hearings are for the public and for the
9 Commission and the witnesses have been assured that
10 they will be questioned only by the counsel staff and
11 by members of the Commission.

12 Anyone who has a question, I am sure, will
13 have an opportunity to discuss it after the hearings
14 are formally concluded but not during the course of the
15 hearings.

16 Mr. Henderson, we heard you this morning in
17 violation of our rules. We do not have an opportunity
18 to take questions from you, no matter how interesting.

19 Mr. Boone, would you like to make a statement?

20 THE WITNESS: Very briefly.

21 There has been, obviously, attempts to
22 show that the uprising and so forth was planned
23 on the part of some people to find scapegoats for
24 what happened and on the part of others to find
25 heros.

I think to hold to this idea is to 167
blur the issues of what actually happened and
you risk the possibility of another Attica.

MR. MC KAY: Thank you very much for
being with us and for the statement.

THE WITNESS: You are welcome.

(Witness excused.)

(Continued on page 168.)

will be examined by David Addison.

MR. McKay: Mr. Mayers, will you

remain standing so that I may swear you.

C H R I S M A Y E R S, called as a witness,
being first duly sworn by Mr. McKay, was examined
and testified as follows:

EXAMINATION BY MR. ADDISON:

Q Mr. Mayers, how long have you been at Attica?

A Since May of '61.

Q Will you tell the Commission on what crime you
were convicted?

A Grand larceny, 3rd degree.

Q How much time were you given?

A Approximately two years, almost two years.
Not quite.

Q You have been brought down from Sing Sing for
the purpose of testifying here?

A Yes.

Q And you have been transferred permanently
to Sing Sing, is that not correct?

A Right.

Q You have only been at Sing Sing for one or
two days?

A That's correct.

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MR. CARTER: Did you say

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May of '61?

THE WITNESS: '71.

Q You have been at Attica since 1971, May?

A Right.

Q You have been transferred to Sing Sing last couple of days for the purpose of spending the rest of your time and also to testify here?

A Correct.

Q Have you been able to make any judgments about the inmate-officer relationship in the last couple of days?

A Yes, sir. The inmate relationship with the officers, right?

Q Yes, at Sing Sing.

A It's very loose. Very loose form of communication. Loose form of system and an inmate can feel really active in compared to the uniformity of Attica. Things --the atmosphere is much more liberal than at Attica and it's very nice to be over there instead.

Q You feel a sense of relief?

A Definitely.

Q Mr. Mayers, you are getting out hopefully in several months. Do you have any definite plans?

A Trying to get involved, trying to facilitate myself in Pan-Africa.

1
3 Q Have your views been affected as 170

2 a result of your experiences at Attica?

3 A Yes, more so than a little bit. In thinking
4 of the situation on D-block yard and the total disrespect
5 that man's inhumanity can display towards helpless people,
6 it has indeed changed my attitude.

7 Q I would like, at this time, to direct your
8 attention to the afternoon of September 8, 1971. Where
9 were you on the afternoon of September 8, 1971?

10 A I was watching a checker game between two old
11 men.

12 Q Where did this take place, Mr. Mayers?

13 A Near the outlet of of the corridor at A-block.
14 A-block yard.

15 Q Would you wait until Mr. Liman follows your
16 directions.

17 MR. LIMAN: This would be the outlet
18 of the corridor?

19 THE WITNESS: Right.

20 MR. LIMAN: This is A-tunnel and this
21 is A-block yard and this is the door from the yard
22 that leads into the tunnel?

23 THE WITNESS: Correct.

24 MR. LIMAN: This is where the checker
25 tables are situated?

4¹
2 BY MR. ADDISON:

3 Q What were you doing at that time?

4 A I was watching a checker game between two old
5 men and I had just left the handball court with my friend
6 watching him play a game of handball and while looking
7 at the checker game I noticed this lieutenant making mo-
8 tions toward the handball court. He directed two officers
9 over there.

10 Q Could you see the two--the direction in which
11 the two officers were going?

12 A Yes. They were going straight to my little
13 friend that was playing--that had finished playing handball
14 and at the time was instructing another inmate on how
15 not to hit a ball.

16 Q How far were you away from the two inmates?

17 A Approximately 25 to 30 yards.

18 Q So at this point you were standing near the chess
19 table or checker table and you were standing approximately
20 25 yards away from the handball court where there were
21 two black inmates?

22 A Right.

23 And they were--he was showing him how not to
24 hit a handball and perhaps their body may have contacted.

25 Q What happened at this time?

5 1 A This officer directed two guards 172

2 to retrieve these two inmates. However, I only saw one
3 returning.

4 Q Was the officer who directed them, was he standing
5 near you?

6 A Yes, he was, he was standing about 15 yards
7 from me.

8 Q Do you recall his rank?

9 A Lieutenant.

10 Q And what was the rank of the two officers that
11 he directed over to the inmates?

12 A I suppose you would describe them as guards.

13 Q So the officer that was standing near you
14 directed the two officers, the two guards over to the
15 handball court toward the two inmates?

16 A Right.

17 Q At this point you said that one of the inmates
18 was brought back?

19 A Right.

20 Q And what took place at this time?

21 A At this time I like--I interceded and I asked
22 what was happening, what was going on, what was the matter.

23 Q To whom were you talking?

24 A To the inmate. And he said that, "It's new
25 to me. Whatever is happening," he said, "I'm going to

6 1 find out myself."

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2 At this time the officer--

3 Q Is this the lieutenant?

4 A Right. He moved toward us and told my friend,
5 "Get on inside. Get on inside."

6 So--

7 Q Did you friend say anything to him?

8 A He asked him, he said, "For what?"

9 He says, "I said get inside."

10 Q At this point what did the inmate do?

11 A At this point he backed back.

12 Q The inmate backed away from the officer?

13 A Right.

14 And he told the officers, "I asked you for what,
15 why? I haven't done anything."

16 And he said, "I said, get in there."

17 He lunged at him like he was going to grab
18 him by the shirt and throw him in the corridor.

19 Q Am I correct that the lieutenant lunged at
20 the inmate?

21 A Right.

22 Q Did he grab the inmate?

23 A Upon grabbing the inmate, the inmate backed
24 away and shot a left to him and that grazed off his
25 shirt.

1 7 Q The inmate shot a left at the

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2 officer?

3 A Right.

4 Q Whap happened at this point, Mr. Mayers?

5 A At this point the inmate backed up and some
6 more guards came on the yard, about three or four guards
7 came on the yard with these sticks handy.

8 Q The inmate backed away from the door?

9 A Right. Into the center of the yard.

10 Q Toward the center of the yard?

11 A Yes.

12 Q How far away did he back away from the officer?

13 A It was about five or ten feet.

14 Q And did he stop at one point?

15 A He stopped. And then these two officers tried
16 to surround the inmate and at this time about 15, maybe
17 20 inmates gathered around.

18 Q Did they gather around the officer--the two
19 officers and the inmate?

20 A Right.

21 Q Where was the lieutenant at this point?

22 A The lieutenant was trying to put his hands
23 on the inmate.

24 Q So he was in the huddle also?

25 A Right.

8¹ Q So therefore you are saying there 175

2 were two officers and the lieutenant and the inmate
3 surrounded by a number of inmates?

4 A Right.

5 Q What took place at this point?

6 A The lieutenant told him, he said, "You're going
7 inside."

8 So the inmate said, "There's not going to be
9 any head beating, not today."

10 Q These were the words of the inmates who surrounded

11 A Right.

12 MR. ROTHSCHILD: Would you repeat that?

13 A "There's isn't going to be any head beating
14 today."

15 So the inmates told him--well, the guards realizin
16 that they were outnumbered and so forth, they sent for some
17 more help. They called for some more re-enforcements.

18 Q Who called for re-enforcements?

19 A They guy that--he is in a little box, a little
20 guardhouse outside of the yard.

21 MR. LIMAN: Right by the door?

22 THE WITNESS: Right by the door.

23 BY MR. ADDISON:

24 Q Mr. Liman is pointing right by the door of the
25 tunnel. There is an officer which is used to observe the

1 yard adjacent to that door?

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2 A Right.

3 Q And Mr. Mayers is testifying that the officer
4 assigned to that shack called for re-enforcements.

5 A Right.

6 Q So at this point the inmates, a group of inmates
7 surrounding a huddle consisting of the lieutenant, the
8 two officers and the inmate?

9 A And the inmate, right.

10 Q And at this point what happened, Mr. Mayers?

11 A At this point they came--the whole procession
12 back to the middle of the yard and--

13 Q The entire group, the inmates, the officers
14 and the other inmates?

15 A Right.

16 When these other officers came, they came with
17 a second lieutenant.

18 Q During this time, Mr. Mayers, I understand
19 from our previous interview that there was a football
20 scrimmage taking place?

21 A Yes. When this occurred, inmates broke their
22 game up and came over to the incident and while in the
23 middle of the yard these words were exchanging.

24 Q Words between whom?

25 A Between the officers and the inmates. One of the

2 Q This was a black inmate?

3 A Right. A black inmate told the first lieutenant
4 that he new him through past experience and that whatever
5 he said, that it held no weight with any inmate in the
6 yard and that what would only happen was that if he did
7 not refrain from trying to pick this inmate up and throw
8 him around, you know, that the inmates would retaliate.

9 Q What did you interpret that to mean, Mr. Mayers?

10 A I interpreted it as being like very--I think
11 that it was very--everybody was responding to this inmate's
12 particular cause and that as a lot of people had expressed
13 that it was a sense of defining unity among the people
14 from past experience.

15 It was like when I first got to Attica, there
16 was a very rash attitude among the inmates that you could
17 tell that anything was about to, you know, was going to
18 explode and people tried to cover it up but to no
19 avail because what happened is that when George Jackson
20 was killed, the mess hall, in the mess hall, everybody--so
21 of the guys--one of the guys in my company was detained
22 for a while for wearing a black arm band and however,
23 when the policeman that locked him up seen that there were
24 more than him, he got instructions from the lieutenant.

25 The lieutenant said, "Let that man out. It's

11¹ nothing. Let him out."

2 Q So what you are saying is that on that afternoon
3 in the yard on September 8th, that the inmates took a
4 stand and it represented the kind that the inmates had
5 previously taken at the time of the George Jackson inci-
6 dent?

7 A Right.

8 Q You said the football scrimmage that was going
9 on was stopped abruptly and that the inmates came over
10 to the huddle.

11 So at this point what was your estimate of the
12 crowd of inmates there?

13 A It was about more than half of the yard. This
14 was about 30, maybe 35.

15 Q And did any of the football players get involved
16 in the incident?

17 A Yes. One of the white--the white captain from
18 defensive team spoke. When the second lieutenant tried
19 effectively to negotiate in trying to get this man out of
20 the yard, because it seemed like there was going to be
21 trouble.

22 Q Mr. Mayers, you mentioned a second lieutenant.
23 The second lieutenant came in with a group of officers?

24 A Right.

25 Q This was the call for re-enforcements?

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A Right.

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Q What happened when this lieutenant came to the huddle?

A He tried to apply his modern-day tactics, you know.

Q What did he say?

A He said that, "You men know my record. A lot of you men are familiar with me. And whenever I give a word, that you can always count on it. Right now as it stands, the fellow only has a minor infraction, it will be one day, two days keeplock and that will be it."

At this time the inmate broke in and said, "My infraction for what?"

Q Which inmate broke in at this point?

A The original inmate that it started about. He said, "For what, I haven't done anything. Why am I to be keeplocked?"

He said, "Well, at this time" the other lieutenant from the old school--

Q This is the lieutenant that was originally in the yard?

A Right. He said, "I said you are coming inside." As if to say, like, never mind all this negotiating and things like this.

"You're coming inside," from the knockdown drago

1
13 school, you know. So what happened is that 180

2 the second lieutenant realizing it wasn't going to be
3 that easy and that things were about to spill over if they
4 hadn't successfully negotiated somekind of agreement, he
5 said that, "Well, I tell you what. I'll tell you what."

6 He says, "I'll let two men accompany us when
7 we take him out to assure that there won't be any
8 butality."

9 Q Did the inmates respond to that?

10 A The football captain told the other inmates,
11 "I can take your word," he said, "But that"--four-letter
12 word--,"Man,", talking about the other lieutenant, "He
13 is no good"and the four-letter word man, you know.
14 And therewas a silence.

15 And then this lieutenant said, "I beg your
16 pardon, what did you say?"

17 Q This is the original lieutenant?

18 A Right.

19 He said, "You are a no good" four-letter word
20 "man". He said, "Okay."

21 Q Mr. Mayers, can we hold a minute so our
22 stenographer can change his tape.

23 Mr. Mayers, let's go back to our little circle.
24 You said that the second lieutenant attempted to negotiate
25

1
14 a settlement?

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2 A Right.

3 Q He said that the inmates could send two repre-
4 sentatives in with the officers and the inmate?

5 A Right.

6 Q At this point you said that a member of the foot-
7 ball--the captain of the football team came over or got
8 involved in the discussion. This was a black inmate?

9 A No, he was white.

10 Q This was a white inmate, the captain of the
11 football team?

12 A Right.

13 Q He got into an exchange with the officer?

14 A Right.

15 Q What was the result of this exchange, Mr. Mayers?

16 A The result was that the lieutenant, the second
17 lieutenant, realizing the gravity of the situation, he
18 said let me ask Joe a question. He said that, "Will
19 you all accompany the man to inside of--what's it going
20 to be. Do he go or don't he?"

21 Q And the inmate's reply?

22 A The inmate replied and said, "Well, it's up
23 to him. If he wants to go, he go. If he don't want
24 to go, he stay."

25 So everybody looked at him. He said, "I'm not

1
15 going."

2 Q This is the inmate that was going to be removed?

3 A Yes. He said he don't go. Then the lieutenant
4 say, "Then he don't go." And talked to the rest of his
5 men and asked them to come on, come on off the yard. But
6 the first lieutenant was very, very reluctant. He
7 couldn't understand.

8 Q So it's the second lieutenant, the lieutenant
9 who came into the yard in response to the call for re-en-
10 forcements--

11 A Right.

12 Q He was the officer that said he doesn't go,
13 am I correct?

14 A Right. And so the first lieutenant, he just
15 couldn't understand it, you know, like we're orgainzied
16 here and formerly when we say go, we mean go. He couldn't
17 understand the tactic in which the second lieutenant
18 was using.

19 So we knew what would eventually occur.

20 Q Did the inmates anticipate him being removed
21 to the box had he left the yard?

22 A Definitely.

23 Q The box is segregation?

24 A Right.

25 Q What did you assume would happen to him had

16¹ he been removed from the yard?

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2 A Well, he threw a punch at the lieutenant
3 and like you just don't do that. And he would have been
4 beaten. I guess equally satisfactorily as he were when
5 they came and got him that evening.

6 Q So now the officer, at the urging of the second
7 lieutenant said, "Well, he is not going to go?"

8 A Right.

9 Q At this point what happened to the officers,
10 did they leave the yard?

11 A They left. They left the yard. And while
12 leaving the yard, there was instructions left at this
13 little house on the side of the corridor--

14 Q To the officer assigned to observe the yard?

15 A Right. There was instruction to keep an eye
16 on him and to see what company he lines up in.

17 Q What happened next, Mr. Mayers?

18 A Well, about--right after that groups went
19 to huddling. Everybody is discussing the problem.

20 Q What was the sense of the yard, what was the
21 mood of the inmates after the officers left?

22 A Well, it was mixed. It was like some was
23 like apathetic and some was concerned. Some of the
24 fellows would try to talk to the little young guy and tell
25 him, "Look here, man, why is it you went on upstairs and

17 didn't take care of that business."

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2 He said, "I wasn't going."

3 Q How long did the inmates remain in the yard
4 after the officers left?

5 A Approximately maybe 20 to 25 minutes.

6 Q And then you were returned to your cell?

7 A No. We went to the mess hall.

8 Q Did your meal go without incident at the
9 mess hall?

10 A Yes. It went pretty, you know, pretty smooth.
11 Only that other inmates were speaking to toher inmates
12 concerning the incident that happened in the yard and
13 filling others in that wsa not immediately around.

14 Q These were inmates of other companies?

15 A Yes.

16 Q Were being talked to by inmates who were in the
17 yard at the time?

18 A Right.

19 Q Before you reached the mess hall you left the
20 yard via a tunnel. Where were the officers when you
21 left the yard?

22 A There was a huddle of them standing in that
23 little booth and when we passed, the one that was assigned
24 to the yard, he was pointing at Wakim--rather the inmate.

25 Q The inmate who refused to leave the yard?

18 1 A Yes. He was pointing at him in 185

2 the line, showing him to the rest of the officers.

3 Q Did you hear him say anything?

4 A Well, usually when they talk like this, they
5 turn their head and at each other there, away from ear
6 shot.

7 Q Mr. Mayers, you left the yard and the entire
8 company went into mess?

9 A Right.

10 Q At this point after mess, you were returned
11 to your cells?

12 A Right.

13 Q Did you notice anything unusual while going
14 back to your cells?

15 A Yes. I suspected--it was inevitable. Everybody
16 knew what was going to happen. So I told him, I said,
17 "Look here"--

18 Q You were talking to who at this time?

19 A The inmate.

20 Q Yes.

21 A I told him, I said, "Before you lock in your
22 cell, give me your stuff because"--

23 Q You were talking about his personal belongings?

24 A Right.

25 Q What did you say?

19 1 A I said, "Leave me your personal 186

2 belongings because later they are going to come and get
3 you, that's for sure."

4 He said, "I know this." And so--

5 Q Did you notice anything suspicious--I assume
6 at this point you are on the gallery?

7 A Right.

8 Q Where the company locks in?

9 A Right.

10 Q Did you notice suspicion at this point?

11 A At this point it was like nearly normal, you know,
12 and there was nearly a gregarious attitude of the fellows.
13 Some of them, they sensed that later on, you know, there
14 is going to be some carrying on.

15 Q What were some of the things that inmates were
16 saying that suggested that?

17 A Well, this happened--let's see, before. Before
18 we locked in, some of the inmates said that should any-
19 thing happen, I trust that you will take care of--through
20 the business I told you about the day before. So on and
21 so forth. Talk like that.

22 But when we went to go down to his sell to get
23 the stuff to give to me, they came up and they said, every-
24 body lock in.

25 Q These were the officers that came up?

1
20 A Right.

187

2
3 Q How many officers came up, Mr. Mayers?

4 A Well, I could see two. I could see two. So
5 we locked in, we pull our door shut and the, customarily
6 the water boy remains out on the gallery to distribute
7 the water. And when we locked in, the lieutenant came.

8 Q Was this the same lieutenant that was in the
9 yard?

10 A The second lieutenant.

11 Q The second lieutenant came in?

12 A Right.

13 Q Was this not the first officer that came into
14 the yard?

15 A This was not the first lieutenant. It was the
16 second lieutenant. He told the water boy to get in your
17 cell and lock the door. So while everybody was up to
18 the board, like "Here we go."

19 So when we locked in, the two officers, two
20 lieutenants--no, no, no. There was mail. They passed
21 the mail out and ordinarily there is--the officer that is
22 in charge of the block, he passes the mail out but this
23 particular day the officer was assigned to the yard in
24 that little booth, he passed the mail out. Going from
25 cell to cell, giving mail out and lingering.

Q You said he was lingering in each cell?

1
21 A Right. So when he passed the
2 mail out on 3 Company, he came back and heard him tell,--

3 Q You were closer to the--

4 A The entrance.

5 Q The entrance to the block?

6 A Right. He said, "17 cell."

7 Q Who was he saying that to?

8 A The rest of them.

9 Q The rest of the officers?

10 A Right. So at this point the lieutenant made
11 the water boy lock in and four of them--it was two
12 lieutenants, two guards. They went down to the cell.

13 Q They came down the gallery?

14 A Right. They came down the gallery. I heard
15 him say, "Come on, get your stuff, let's go."

16 Q At this point where were they?

17 A At 17 cell.

18 Q Is this the cell where the inmate locked in?

19 A Right.

20 Q What was the first thing you heard them say
21 to him?

22 A "Come on, let's go. Get your stuff, let's go."

23 Q And his response?

24 A He told them, he says, "Let me get this material
25 here, I want to give it to my brother."

22¹ Q He was referring to you? 189

2 A Right.

3 So he said, "Just put your shoes on and let's
4 go."

5 So he said, "Then I'm not coming." He weighed
6 about 119 pounds soaking wet. And they went in after
7 him. When they went in after him, like they tore up
8 the cell.

9 Q What could you hear, Mr. Mayers, when they
10 went in?

11 A Glass flying, furniture being moved as in a
12 struggle.

13 Q Did you hear them say anything during the
14 struggle?

15 A No.

16 Q Could you hear him saying anything to them?

17 A No.

18 Q How long did this struggle last approximately?

19 A Oh, about three minutes. And when the glass
20 went flying and everything went--

21 Q The glass was flying from where, Mr. Mayers?

22 A From the cell. I don't know if it was thrown
23 glass or being shoved around or what.

24 Q What were the other inmates saying at this
25 point?

1
23 A At this point the inmates--
2 after four more guards ran down to give them a help with
3 that little kid, then--

4 Q There had been four officers down there?

5 A Right.

6 Q And now four more officers ran down?

7 A Yes. Additional four officers ran down. So
8 then the inmates went to yelling, "leave that kid alone.
9 Leave that kid alone. Leave that kid alone," you know.

10 Q Mr. Mayers, how big a man was the inmate
11 you are talking about?

12 A He was about five feet eight. He weighs about
13 119 pounds soaking wet.

14 Q How long did the scuffle last, Mr. Mayers?

15 A It lasted about--from two and a half to three
16 minutes.

17 Q From your cell, what did you next observe?

18 A They dragged him out motionless.

19 Q Did they bring him by your cell?

20 A By my cell.

21 Q How were they carrying him?

22 A It was one man to each arm and one man to each
23 leg.

24 Q Was any part of his body touching the ground?

25 A No.

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Q Did he have his eyes open?

A No. They were closed.

Q Was his body moving at all?

A No. We felt he was dead.

Q And they removed him from the gallery?

A They removed him from the gallery.

Q What was the mood of the gallery?

A At that particular moment everybody became related, like--in addition to George Jackson, you know, this was everything, you know. And it made them know that San Quentin had reached Attica and witnessing the brother being stomped to death right before our eyes.

It was right then and there, it was a dramatic eclipse between the administration and the inmates. And the people were even afraid to think of what would occur and it was a dramatic experience, you know. Like a lot of guys wouldn't say anything the whole night. A lot of guys didn't sleep.

Q What was the mood of the gallery immediately afterwards? Was there silence?

A Yes. It was like a member of the family had just died, you know. And nobody would venture a word.

Q Did anything unusual occur after that?

A Well, there was this little white kid and he just came from one of these mental institutions.

1 Q Will you speak up, please.

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2 A He just came from one of these mental institu-
3 tions. A very young white kid. He said that when
4 the officer passed, he called his name out and said, so
5 you so and so, he called him by his name, and the officer
6 said, "yeah, that's me."

7 A He asked him what is his name, and he called
8 his name, you know, and he said, "yeah, that is me." And
9 he--that's me, you know.

10 (Witness beating his chest with
11 his fists.)

12 And then the inmate said, "Wait until tomorrow,"
13 you know. And this is a total irresponsible accusation
14 that he made because as I mentioned he was from a mental
15 institution and he was about five feet five and he weighs
16 95 pounds and everybody regarded him as, you know, like
17 a very hilarious person and paid no mind to him whatsoever.

18 Q What were the other inmates saying at this point?

19 A The other inmates weren't saying at all. It
20 was just a feeling. It was just a big fat feeling of
21 sorrow.

22 Q You said from a previous interview at this point--

23 A I said that Jack--the inmate, the water boy,
24 he told another inmate on the gallery, he said, "About
25 your trousers," he said, "I'll have your trousers ready

1 for you tomorrow."

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2 The other guy said, "Yeah, if they open the
3 door tomorrow.

4 Q At this point did you hear anything unusual
5 on the company after the officers had left with the inmate?

6 A Yes. After they left, all at once there was
7 this big crash downstairs like the whole bottom was falling
8 out and so somebody said, "Well, it's rolling already."

9 Q What were you referring to at that point?

10 A The white football defensive captain.

11 Q Did you know for a fact that he was below you?

12 A Yes.

13 Q Therefore you concluded at this point that the
14 officers were going in to get him?

15 A Right.

16 Q Could you hear any voices from the cell below?

17 A The inmates locked below, like it was a unison
18 of crys and yells and hollers. Glass flying and a lot
19 of confusion.

20 Q How long did that last?

21 A That lasted about maybe four minutes. Three,
22 four minutes.

23 Q So you came from the mess hall, the officer
24 came onto the gallery. They removed the black inmate
25 from your gallery?

27 1 A Right.

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2 Q You then heard noise downstairs and you assumed
3 that they were removing the white inmate?

4 A Right.

5 Q At this point all officers were off the gallery
6 and it is nightfall I assume or it is approximately six
7 o'clock?

8 A Right.

9 Q For the rest of the evening, what was the
10 mood as you gathered from discussion and talks with inmates
11 on the gallery?

12 A There wasn't much conversation at all because
13 like it was--it was--the atmosphere was really gloomy
14 and everybody was sick in their stomach, you know. To
15 say anything would only be words, you know.

16 Q Mr. Mayers, at this point I would like to direct
17 your attention to the morning of September 9th. You had
18 your cell call at approximately seven o'clock?

19 A Right.

20 Q The inmates on the gallery were awakened and
21 they prepared for their count and then for mess hall.

22 Was anything said between inmates at that point?

23 A No. Everybody lined up as usual but instead
24 --when the doors opened, it frightened soem and confused
25 others, you know.

1 Q Did you expect the doors to be 195

28 2 opened?

3 A Well, not without--I can't say what I expected.
4 However, when the doors opened one realized that they
5 opened the doors and, "Wow, they must be going to kill
6 us all," because feelings were very high. So when the
7 doors opened, guys still wasn't speaking but you could
8 see it in their eyes, you know.

9 Q Was there a tenseness about?

10 A Very tense. Very tense.

11 Q Was there much talking at this point as you were
12 preparing to go to mess?

13 A No. They was afraid to look into each other's
14 eyes. They felt like their eyes would give them away.
15 So--

16 Q You lined up for mess?

17 A We lined up for mess and went down to chow.
18 And going to chow, you could tell, you could sense that
19 just a sigh, a cry or maybe a spark, anything, you know,
20 and the place would have went up.

21 Q Did you sense this from other companies that
22 you saw going to mess?

23 A I was not with other companies and like--the
24 companies that we met in the chow hall, messages were
25 conveyed to them from inmates in the company that I was

29 in what had happened.

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2 Q Was there communications to the effect that
3 the inmate had been taken to the box?

4 A Right.

5 Q And what was the sense of the response to that?
6 What were the inmates who had not heard about that saying?

7 A I heard like, you know, one inmate said we
8 going to--"When we get back to the cell we're going to
9 have a meeting and we'll get some communiques out for job
10 stoppages," and so forth or whatever the case may be.

11 That they will talk about it further when we
12 get back to the block.

13 Q So you anticipated some kind of job stoppage
14 or a strike of some sort?

15 A Yeah, you anticipated something, you know,
16 because the mood was there. The feeling was there and
17 everything.

18 Returning back to the yard--

19 Q At this point you finished mess and you then went
20 out to the yard?

21 A We went out to the yard.

22 Q And you and your company went back--you left
23 the mess hall and you came down the tunnel toward Times
24 Square?

25 A Right.

1 Q You then came to A-tunnel and
30 out the side door--
2

3 A Into the yard.

4 Q This is the same door and the same yard where
5 you were on September 8th in the afternoon?

6 A Right.

7 Q Where were you--where did you go when you got
8 to the yard?

9 A Well, when my company broke up, various groups
10 of factions began forming. Ordinarily there is the run
11 for the TV or the run for a checker game or a run for
12 a chess game or some sort of recreational act. There
13 was no checker, no chess, no nothing. Only rapping.
14 Fractions.

15 Q Inmates talking in groups?

16 A Right. Like the yard was, wow. The yard was
17 really dead, you know.

18 Q They were talking quietly, you're saying?

19 A Yes.

20 Q What was the sense of the yard, what was the
21 feeling?

22 A As I told one inmate, as I walked around and
23 kind of skirt the circle, I told one of the inmates, I
24 said, "Wow, look like these guys going to get together."

25 And he said, "Man, I have been here, man, almost

1
31 ten years and these people ain't going

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2 to do anything. That have happened before, you know.

3 They're not going to do anything."

4

5 Q Were there any other comments that you heard?

6 A Not that I can recall. However, I stomped
7 on the table--

8 Q At this point you were almost in the center
9 of the yard, you are saying, when you went out originally?

10 A Well, I tried to skirt the circles. Like on
11 the pavement where the grade is boarded. I walked
12 around there. They really were going to get something
13 on. That's my knowledge of it, you know.

14 And so--

15 Q You are saying that some inmates were saying
16 or one or a few inmates were saying, no, nothing is going
17 to happen. And then--

18 A Well, this one particular inmate, this one
19 particular inmate. And knowing him, you don't put too
20 much credence or value on this particular inmate and
21 his knowledge.

22 So I walked about and then after when I go
23 to the TV--

24 Q You got to the TV?

25 A Right.

Could hear glass flying. Guys screaming.

32¹ Q In what area was that sound coming 199

2 from, Mr. Mayers?

3 A The outlet of the corridor. The outlet of
4 the corridor, right.

5 MR. LIMAN: There are two maps. On
6 this one here there is a door from A-tunnel into
7 the yard which is where you are talking about.

8 THE WITNESS: Right.

9 MR. LIMAN: On this one here it's
10 the same door and it's right here.

11 Q So, Mr. Mayers, you came out of the tunnel from
12 the mess hall, you and the members of your company. The
13 men for the mostpart broke up but they remained in little
14 groups around the concrete walk around the yard?

15 A Right.

16 Q And you left the door and just walked around
17 pass the various groups and at a point you reached
18 the television set or in that area?

19 A Right.

20 Q At this point would you please repeat what
21 you saw or heard?

22 A At this point you heard a lot of screams
23 and yelling and hollering. So a guy said that they're
24 fighting in A-block corridor. So we just stood there
25 for a while and you could see the guys running backwards

1 and forth up and down the corridor. After 200

2 a while when I did look back around, a guy was hollering,
3 everybody in A-block yard, everybody in--I mean in D-block
4 yard. And this is where I remained throughout the
5 resistance, in D-block yard.

6 MR. ADDISON: Thank you, Mr. Mayers.

7 MR. McKAY: Are there questions from
8 members of the Commission?

9 EXAMINATION BY MR. HENIX:

10 Q The only question I want to ask. I don't know
11 if it needs to be asked because I understand thoroughly
12 when you say a knockdown dragout guy in describing this
13 lieutenant.

14 But for the edification of the Commission and
15 the rest of the audience, can you be more specific?

16 A I have earlier heard that the elder officers
17 were more astute in handling the inmates. However, this
18 may be true in some cases but all the cases that I was
19 exposed to it's quite the contrary. These people had a
20 set philosophy that they go by and this is that they are
21 organized, they are part of the system and that we will
22 not have any subversion or rebellion.

23 As for telling me no, that you're not going any
24 place, rather than having you to tell me that you're not
25 going any place, we'll show you who is the boss and then
