

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

34 1 we'll just knock you out and drag you and
2 bring you where you got to go.

201

3 MR. HENIX: Thank you.

4 MR. MCKAY: Mr. Carter?

5 EXAMINATION BY MR. CARTER:

6 Q I want to be sure I understand too. Am I
7 correct in assuming that the reason that the inmates
8 surrounded the guard and when the altercation occurred
9 in the yard and were concerned about the guard taking
10 him away, am I correct in assuming that they thought
11 he was going to be beaten by the guard?

12 A Living in Attica, you didn't assume. You could--

13 Q All right, so the inmates expected that this
14 man if he was taken away would be beaten, is that
15 correct?

16 A Correct.

17 Q We have been told in Rochester, the Rochester
18 part of our hearing by two correction officers that the
19 correction officers never beat anyone in Attica. I
20 would like to have your comment on that and your point
21 of view.

22 A Well, here recently I have--I happen to know of
23 two reactionary attacks since then and it's been swept
24 under the rug. Nobody has ever heard a thing about
25 it.

2 in the box, they moved us, everybody in one company they
3 moved us to HBZ. During this time one of the inmates,
4 a Spanish-speaking inmate coming from seeing his attorney,
5 he was corralled down beneath the stairs and four of them.
6 This is another slightly built individual and they buffed
7 him up. I mean real good.

8 So what we did up and bottom floor, we raised
9 so much noise and banking on the wall that the attorneys
10 from downstairs had to come up and see what was going
11 on.

12 The other incident, this kid was on my company,
13 on 1 Company, went up to see the McKay Committee and--

14 Q That's this Committee?

15 A Right. Coming from there, on the elevator,
16 there were comments passed concerning one of the young
17 ladies working with the Commission. Derogatory comment
18 made toward one of the ladies working.

19 The brother, in turn, defended the lady and in
20 turn, he said somethign rash too, I suppose, to this partic
21 ular officer. When he said that, bingo, the side of the
22 head. All right. But seeing that the inmate never
23 retaliated because he said, he told me, he said under the
24 circumstances they would have killed me.

25 So he tried to cover up his head. And seeing

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that he had not resistance, he couldn't retaliate, he tells him that, "Look, I lost my head and if you will forget it, I am willing to forget it. If you let bygones be bygones. Okay."

When I found out about it, I put in a tab to see a member of the McKay Commission. I went up and at the time I was talking with Mr. Parker, the third man on the elevator that witnessed this incident was talking to David Addison telling him about it.

Now, while we were up in the box, we got word that the third inmate changed his mind and signed an affidavit that the inmate charges were ridiculous. It's a common thing and it will be a common thing as long as there are racist officers over there and like i'm not just saying that. It's bad.

MR. CARTER: Thank you.

MR. MCKAY: Mr. Marshall?

EXAMINATION BY MR. MARSHALL:

Q Mr. Mayers, can you tell me--I want to find out where your cell was in relation to this inmate that you talked about. Which gallery were you in?

A Three. It's considered--it would be the third gallery but it's considered 3 Company.

Q 3 Company?

A Yes.

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Q Where is that on the map?

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MR. LIMAN: You were on the third floor?

THE WITNESS: Right.

MR. LIMAN: Was it on this side? As you came down your stairs from the mess coming down A-tunnel would you go to the left or to the right?

THE WITNESS: You would go to the left.

MR. LIMAN: Right here--

THE WITNESS: Wait a minute. I'm sorry. Go to the right.

MR. LIMAN: So it's the third floor right here?

THE WITNESS: Right.

BY MR. MARSHALL:

Q Where was your cell in that gallery? Was it down towards C-block or was it back towards--

A No, it was facing the front of the yard. The front of the yard out this way.

Q But which end of the gallery were you at?

A I was--

Q Or were you in the middle?

A I was in the middle, I suppose, what you would say of 17 cell.

Q Where was the cell of the inmate that you

2 A 17 cell. I was in 9.

3 Q You were in 9 and he was 17?

4 A Yes.

5 Q Which direction is 17 from 9? Is it--

6 A Back this way.

7 Q Towards the center?

8 JUDGE WILLIS: No, towards C-block.

9 MR. LIMAN: It's further from the door
10 that would lead out of the gallery. It's toward
11 the end.

12 MR. MARSHALL: Mr. Mayers was in 9.

13 THE WITNESS: Here we are. Right here.
14 Going this way. 9 would be up in here. 17 would
15 be up in here.

16 MR. MCKAY: Mr. Mayers, if you would
17 speak in the microphone, that would help. That
18 may be physically impossible but if you will try.

19 A 9 cell would be in the area here and 17 right
20 here.

21 Q So when he was carried down that galler, there
22 would be 16 cells that he would be carried past, is that
23 right?

24 A Right.

25 Q Because they go to 1, and 1 is sort of in the

3¹ middle.

2 A Right. Exactly.

3 Q Is that the only way to get to HBZ? You can't
4 go out the other side and get to HBZ? I mean the entrance
5 to the gallery is from the center?

6 A No. The entrance of the gallery is from here.

7 Q Yes.

8 A And it guides. One goes that way and one goes
9 that way.

10 Q And so they were--they brought this man down
11 there towards the center and then downstairs and through
12 to HBZ, is that the way they would go, if they were
13 taking--

14 A Yes.

15 MR. MARSHALL: Thank you.

16 MR. McKAY: Bishop Broderick?

17 EXAMINATION BY BISHOP BRODERICK:

18 Q Mr. Mayers, you spoke about the two lieutenants
19 out in the yard. I'm very interested in that because
20 you spoke of one as a young man, I suppose, younger anyway,
21 who applied his modern-day tactic. I think that's a direct
22 quote.

23 A Right.

24 Q And the older man who you identified and described
25 as a knockdown dragout school of--

40¹

A Right.

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2

Q It seems to me this is very crucial because
3 it's a question of philosophy or viewpoints and if both
4 men were of this new school, do you think this incident
5 would have happened, the incident you described of the
6 alleged beating and everything?

7

A Well, to accurately say, I couldn't. Only
8 I can--from what occurred I can--you can make a kind
9 of an educated guess and say that--

10

Q What I am saying, maybe it could have been
11 solved on the location right away.

12

A It could have been.

13

Q If they both agreed?

14

A Here you are dealing with two ideologies.

15

Q That's what I'm saying.

16

A I support you as far as I can. It's your
17 decision. And if you want to leave it be like it is,
18 solid, good, well. But now, if you don't, well, I can
19 support you such as I am allowed to.

20

Q This to me seems to be the crux of a lot of
21 this. Maybe we wouldn't be here today if they both were
22 of the same school, at least if they were both of this
23 new school you speak of.

24

Did you ever see an inmate hit an officer before
25 this?

41¹ A No, I have never seen an inmate 208

2 hit an officer.

3 Q Or after that?

4 A No.

5 This is, like you don't do that. Not if you
6 are in your right mind.

7 Q But this was done, wasn't it?

8 A You mean at the outset of this situation we
9 talked about?

10 Q Didn't you say an inmate struck an officer? Out
11 in the yard?

12 A I am not talking about, like with no cause
13 or reason. That's what you were talking about, with no
14 cause or reason. I am speaking about, he tried to lunge
15 at him and grab him and throw him in the hallway.

16 Q You wouldn't say this was self-defense, would
17 you?

18 A It depends upon who you are.

19 BISHOP BRODERICK: Thanks.

20 MR. MCKAY: MRS. GUERRERO:

21 EXAMINATION BY MRS. GUERRERO:

22 Q Mr. Mayers, you are telling us that what you
23 said the McKay Committee, you mean us?

24 A Right.

25 Q When you were talking before about a Spanish-

42 speaking young man?

209

2 A Right.

3 Q Do you mean to tell us that the inmates who
4 have talked to us during the last five months have been
5 beaten after they have talked with us?

6 A Not on those particular reasons. Not for
7 those reasons alone. This was something that occurred
8 out of something else.

9 Q But just the same, because somebody was talking
10 about somebody in this Committee?

11 A Yeah, right.

12 Q Some officer?

13 A Right.

14 Q And the fellow tried to defend this person
15 on this Committee?

16 A Right.

17 Q So it was more or less because of the Committee.
18 That was the reason?

19 A Yes.

20 MRS. GUERRERO: Thank you.

21 MR. MCKAY: Were there any other
22 questions from members of the Commission?

23 Mr. Mayers, I think you understand that
24 you are entitled and we would welcome a statement
25 from you if you wish, that is not necessarily responsi

2 of you today.

3 Is there something you would like to
4 tell the Commission and the public?

5 THE WITNESS: Yes. I think that for
6 the benefit of the guys at Attica, there medicine
7 there is like something in the medieval period.

8 I compare it to a bootleg veterernarian.
9 Understand that I have had experiences with this
10 physician over at the facility and the man, he--he
11 will take that little money that is offered him, this
12 cutrate price which they employ him just to prevent
13 his hostilities to the inmate.

14 Now, it's frightening, to think, that you
15 living there and you have to be subjected to the
16 medical facilities that is available at Attica. If
17 in an emergency case of appendicitis, you're through.
18 Remember the case of the guy that hung himself just
19 after the riot? Wow.

20 If like--I remember an incident where
21 a guy had a cartliidge in his nose had bust and we
22 called from about 4:25 to about nearly six o'clock.
23 An officer comes up. When he comes up he said,
24 "What's the matter with the man." He had blood
25 all over the bed, all over floor and the man was

1 trying to hold his nose. We said the man is 211
2 bleeding. He said, "Well, it's only his nose,
3 like lay down and put a cold rag on it. I'll
4 call the doctor up. He will be all right."

5 So this lasted for a period of time
6 and nothing happened. So like I risked taking
7 a chance in going to the hole and speaking my
8 mind to one of the officers who came up with a
9 tape recorder to try to tape the things I said.

10 He didn't care about the inmate whatsoever.
11 He said that he tried to call.

12 If you are sick from five o'clock on, you
13 are at the mercy of whatever. They say if it's
14 urgent enough, they will call somebody but by the
15 time that day arrives you can be dead four, five
16 times.

17 And it's only about--the hospital is in
18 this area.

19 MR. MARSHALL: It's at the top of the
20 picture.

21 MR. LIMAN: It's pass that block.

22 MR. ADDISON: Pass the block, Mr. Mayers?

23 THE WITNESS: Any way, we are locked
24 here. By the time it took that man, it took that
25 man two and a half hours to right here. He had blood

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45 all over the cell. And if one should 212
2
3 seriously take ill in Attica he has to deal with
4 that doctor and that's a knowing cause like I
5 understand that they pay this man a cutrate.

6 He has a practice out on the street in
7 addition to his practice at Attica and they say
8 that--they claimed they couldn't hire a normal
9 doctor for the pay they gave this man.

10 This man will take this cutrate just to
11 vindicate his hostilities on a convict. I don't know,
12 I can't say what a convict did him but--and I didn't
13 believe it, you know, until like I personally
14 experienced it myself. My own keeplock.

15 Concerning jobs, well, jobs is like--jobs
16 are--they're, with sophistication, they are
17 discriminatorily issued and I see now since the
18 riot, they have the showcase black at the entrance
19 of the building.

20 He is a clerk, an outside clerk from the
21 surface. This to make it appear that the system
22 is democratic but beyond this, he is the only clerk
23 that I know of that is in a position outside where
24 he can be seen.

25 The riot they had some clerks but they
were all hidden and you never saw a cler, a black

46 clerk. This was completely alien

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2 to the method of operation.

3 However, when they hired this black clerk
4 for the showcase, I guess they determined this as
5 good public relations and it's real bad.

6 However, I understand this new executive,
7 I think his approach is a little more modern and
8 a little move--anything can be better than that man.
9 That gangster, that's what he was, that was running
10 that institution. He done some real--oh, my God.
11 Well, that's it.

12 MR. MCKAY: Mr. Mayers, thank you very
13 much for being with us--Bishop Broderick has a
14 question.

15 BISHOP BRODERICK: Mr. Chairman, I
16 wanted to know whether the opportunity for those
17 who are mentioned here today to defend their
18 reputation--

19 MR. MCKAY: Yes, they will indeed.

20 MR. LIMAN: Absolutely.

21 MR. MCKAY: Mr. Mayers, thank you very
22 much for coming to us.

23 (Witness excused.)

24 MR. LIMAN: We now have to pick up
25 with the chronology, a film--

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MR. MARSHALL: Arthur, 214

excuse me, but this is a rather important--a significant incident. There were 16 cells as I understand it between the cell that this inmate was in and the end of the gallery.

I take it that the other 16 people who were in those cells were interviewed? I don't know whether to pursue this now but that's a question on my mind.

MR. LIMAN: Some of them spoke to us. Some of them did not. We have spoken to the officers who removed the inmate and there will be more testimony on this as we proceed and in fact, Mr. Rosenfeld, in his narration of the events is going to cover this briefly.

MR. ROTHSCHILD: Arthur, on that same subject, have you talked to the inmates who were taken out?

MR. LIMAN: Yes, the inmates who were removed talked to by us. They were also talked to by Assemblyman Eve during the events of September. Assemblyman Eve is going to be testifying as well as others who saw them and I gather that there is an implication that perhaps people who are unaware of the story may have the opinion that the inmate

48 1 who was carried out and who was not

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2 moving was dead. He was not dead.

3 MR. MARSHALL: It was sort of left
4 hanging.

5 MR. LIMAN: It should not be left
6 hanging. The inmate was not dead and he is still
7 alive and--

8 MR. MARSHALL: Is Mr. Rosenfeld going
9 into this further now?

10 MR. ROSENFELD: I might say we have
11 interviewed both inmates who were taken out that
12 day plus other inmates in the gallery and the concensus
13 is that there was not a singly brutal force applied
14 against him but forced to be used to take him out
15 because--and it was substantially from the perception
16 of the inmates as Mr. Mayers related it.

17 MR. LIMAN: I think there is a distinction
18 between what the facts are and which is the fact
19 of an inmate who did not want to go and was holding
20 onto a cell to keep from going, and what the percep-
21 tion was of the people who were locked in their
22 cells, they can only hear noises. You can't see
23 into that cell and then you see an inmate being
24 carried out.

25 By the same token, all of the testimony

49 1 with respect to what people fear about 216

2 the boxes is pertinent as to what the state of
3 mind of people was when these inmates were taken
4 into the boxes on that evening.

5 MR. MARSHALL: I understand that, Mr.
6 Liman. The reason I raised the question I did
7 in the first place was that the testimony appears
8 to do two things.

9 It says what the perception was but it
10 also repeats that perception as if it were the
11 fact of what happened and since--that's why I
12 pursued it.

13 MR. LIMAN: I'm glad you brought it
14 up.

15 MR. CARTER: It seems to me in the
16 same vein that all the testimony we're going to
17 hear, at least that we have heard so far are people's
18 perceptions which they testify to as fact. And
19 I gather that the way the hearing is going is that
20 we will have these perceptions from time to time
21 and we're going to have to piece them together in
22 terms of making up our own minds as to what the facts
23 really were.

24 I don't see any--this man has a perception
25 of what occurred. Last week we heard from other people

1
50 whose perceptions were different.

217

2 MR. ROSENFELD: The reason Mr. Mayers
3 was chosen to tell this story was we felt his
4 story was about as representative of the perception
5 of inmates who saw those events and I stress inmates,
6 as we could find.

7 MR. MCKAY: Mr. Liman, are you ready
8 to introduce now the next episode--

9 MR. LIMAN: Mr. Rosenfeld can intro-
10 duce it. It's a narration with filmed effects of
11 what happened the morning of September 9th that
12 led to the institution falling into the custody
13 of the inmates.

14 MR. MCKAY: I think it should be
15 made clear. This is not a film that was taken
16 that day. It is a reconstruction of the events
17 as it was done by our staff, is that correct?

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19 (Continued on page 218)
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1 MR. LIMAN: That is cor-
2 rect. Mr. Rosenfeld will explain that.

3 MR. ROSENFELD: This is based on a study
4 of the hundreds of interviews we did with inmates,
5 correction officers and civilians who were present
6 in the institution on the morning of Thursday,
7 September 9th.

8 The film clips which will illustrate
9 portions of the narration were taken by a TV news
10 photographer at our direction, at the institution,
11 after the events.

12 They are intended to show the locations
13 and the sequence of the process of the taking of
14 the prison, and it should be stressed these are not
15 contemporaneous film clips.

16 If the director is ready, we can begin.

17 We have heard testimony of what happened
18 on 3 company when a man was removed from his cell on
19 Wednesday evening, September 8. The other man
20 removed that evening was on 5 company. That was a
21 "grading company", to which were assigned men
22 considered by the administration to be troublemakers.

23 When the man was removed from 5 company on
24 Wednesday night, a commotion began. Inmates began
25 yelling and throwing things from their cells. One

1 inmate threw a soup can, which struck 219
2 an officer in the head. It was decided that both
3 3 and 5 company would be allowed to go to breakfast
4 the next morning, but that the inmate responsible
5 for throwing the soup can would be keep-locked and
6 brought before the adjustment committee later in the
7 morning.

8
9 On the morning of September 9, as you
10 have heard, 3 company went to breakfast without
11 incident. Correction officers on the morning shift
12 were given a special briefing to use unusual caution
13 in dealing with inmates that day.

14 Instead of the usual one officer to escort
15 two companies to mess, each company was escorted by
16 an officer, and an officer with a gas gun was
17 stationed outside the A mess gate. That is the usual
18 procedure now, but not in September.

19 The officer assigned to escort 5 company
20 to breakfast was a relief officer, not usually
21 assigned to that company. As he was lining the men
22 up to march to breakfast, his attention was dis-
23 tracted and the inmates were able to open the cell
24 of the man who was keep-locked and he joined the
25 others in the company. It was then decided to allow
the company, including the keeplocked inmate, to

1 proceed to breakfast. There is 220
2 the mess hall there.
3

4 While the company was at breakfast, it
5 was decided that the door to A yard would be locked
6 before the company returned, and the men would be
7 returned to their gallery after breakfast, rather
8 than to the yard where they would normally go on the
9 summer schedule.

10 The inmate would again be keeplocked and
11 the company thereafter released to its normal assign-
12 ments. This decision could not be communicated
13 either to the relief officer or to the inmates of 5
14 company.

15 Lage breakfast also proceeded without inci-
16 dent. Escorted by the same relief officer, 5 company
17 was brought back down C tunnel, through Times
18 Square and into A tunnel.

19 It was in a double line which stretched
20 half the length of the tunnel. There was another A
21 block company in the tunnel, and still another
22 company on the other side of Times Square in C
23 tunnel.

24 In addition, there were some inmates from
25 D block returning from the shower room. In all,
there were about 85 inmates and two officers in A

tunnel.

221

Five company entered A tunnel and approached the door to the yard. No one expected it to be locked. The Lieutenant came toward the company from A block to explain the situation. When he got there, he and the officer with the company were overpowered.

Now chaos erupted. Windows in the tunnel were smashed. Inmates dashed back to A block, began breaking office furniture, seizing athletic equipment, broom handles, crude weapons.

After a ten-minute lull, a group of inmates wearing masks or football helmets and carrying weapons approached Times Square. After demanding admission and being refused, they began shaking the gate. It sprang open, admitting the group to Times Square. They overwhelmed the three officers inside the square and took the keys which unlocked the gates in all four directions.

When the inmates already in A yard saw what was happening in the tunnel, they overpowered the two officers in the yard and took the keys to the door, giving access to the sports equipment stored there.

Other sports equipment, plus broken office

1 furniture, was picked up in A 222
2 block. And we have learned from our interviewing,
3 knives and other homemade weapons are kept by many
4 inmates in their cells for self-protection, including
5 against homosexual assault. All of these appeared
6 during the few minutes after the initial disturbance.
7

8 Three of the officers involved in the
9 initial fracas were able to escape to a cell in A
10 block. They remained there some two hours, until
11 their hiding place was discovered and they were taken
12 hostage.

13 Up to the moment Times Square gate broke,
14 the uprising was confined to A block, and only the
15 eight officers actually in that area were endangered.
16 It was not until inmates from Times Square reached
17 other areas that other inmates joined in.

18 The two officers who had been in A yard
19 were able to climb on to the catwalk. They tried to
20 go to A block, but the door was locked and no one
21 was there. So they ran to C block. The officer on
22 duty on the second tier heard them, but he did not
23 have the key to unlock the door from the catwalk.
24 He went downstairs and obtained the whole set of C
25 block keys from the hall captain.

Meanwhile, the officers on duty downstairs

1 in C block saw the commotion at . . . 223

2 Times Square. One of them went to lock the C block
3 gate, and thought he had.

4 Once the Times Square gates were opened
5 in four directions, the A block inmates were able to
6 fan out toward B, D and C blocks. As in A tunnel,
7 inmates rampaging through C tunnel damaged windows
8 and doors. Three correction officers in C tunnel
9 were taken hostage. Inmates broke through the C
10 block gate easily.

11 Three officers shut themselves into the C
12 block office. The intruding inmates used smoking
13 mattresses, broom handles, a water hose and tear gas
14 taken from atop Times Square to try to force them
15 out.

16 Finally, an acetylene torch taken from the
17 metal shop cut through the lock and the three
18 officers, overcome by gas, were taken hostage.

19 The officer from whom the C block keys
20 were taken was brought upstairs and hidden by
21 friendly inmates. He was not found until C block
22 was retaken by the authorities later in the day.

23 Two other C block officers were also pro-
24 tected by some inmates at first, but were subse-
25 quently discovered and taken hostage.

1
2 The two officers who had
3 climbed out of A yard never got into C block. They
4 went back to Times Square on the catwalk and
5 encountered a third C.O. who had been on duty in B
6 yard and had been relieved of his keys shortly after
7 Times Square fell.

8 The three of them decided to hide in the
9 outdoor toilet in B yard. They remained there some
10 five hours, but were discovered and taken hostage by
11 inmates who came into B yard gathering wood. In all,
12 eight hostages were taken in the C block area.

13 A number of inmates in C block joined in
14 the excitement when it reached their area. The
15 officers' mess is right in back of C block, and it
16 was broken into and looted of food, cigarettes,
17 candy, etc.

18 Inmates tried to get through the mess hall
19 gate and reach the hospital and the reception area.
20 But they were repelled by tear gas fired from behind
21 the gate; they never did reach those areas.

22 Many other inmates in C block -- and in
23 fact all areas of the institution -- told us they
24 returned to or remained in their cells to wait it
25 out, and went to D block yard sometime later when
other inmates came through the cell blocks ordering

1 everyone to join the gathering in D 225
2 yard. We have some statistics on how inmates ended
3 up in D yard, which we'll go into later.
4

5 In the mess halls and the kitchen, some 97
6 inmates were at work. The mess hall and kitchen
7 crews were made up of a majority of white inmates.
8 When the disturbance began, the inmates split along
9 racial lines. White inmates took up kitchen knives
10 and other utensils and readied vats of hot grease
11 to defend themselves against what they thought was
12 a race riot.

13 But the uprising never reached the mess
14 hall area; the gates held. No disturbance, race
15 riot or otherwise, materialized in the mess halls,
16 and after an hour or so, the inmates there were
17 escorted out the back door to safety.

18 I have been talking about what happened in
19 the C block area. Almost simultaneously, another
20 group from Times Square went down B tunnel toward B
21 block. They broke open B block gate, apparently
22 with a key taken from an officer at Times Square,
23 which wasn't supposed to fit the lock.

24 In B block, the hall captain and two other
25 officers were subdued and their keys taken. Two
others had retreated behind another set of gates and

1 ran to warn the metal shops and the
2 commissary.

3 Behind B block are the two metal shops,
4 I and II, where almost 500 inmates and numerous
5 officers and civilian employees were already at work.
6 Despite the advance warning from B block, nothing was
7 done in the metal shops except to lock the doors.

8 Also behind B block, down a short corridor,
9 was the prison commissary. Inmates and three officers
10 were at work there. Other inmates had begun to
11 line up outside the commissary to make their pur-
12 chases, when a group from Times Square entered the
13 corridor and ran towards the stairs leading up to the
14 commissary. The commissary promised loot of every
15 sort and in great abundance.

16 As they swarmed up the stairs, an officer
17 inside tried to jam the door shut with the leather
18 thong of his nightstick. But as the inmates reached
19 the door, they broke the glass, drove him back and
20 took him and two other correction officers hostage.
21 Some inmates inside joined the rebellion; others
22 fled to safety behind the commissary building.

23 In Metal Shop I, an electric fork lift
24 truck was used to batter down the door from the inside.
25 An officer and two civilians were taken hostage there

1
2 through the steel door to Metal Shop II, the
3 larger of the two shops. Nine correction officers
4 and three civilians were taken prisoner, stripped
5 and marched toward B block. The shop was vandalized.
6 Fires were started.

7 Fearing explosions from the volatile
8 materials in the shop, most inmates fled into the
9 corridors. There was mass confusion.

10 The metal shops yielded the largest number
11 of hostages. In addition to those I've mentioned,
12 the head of prison industries, Mr. Van Buren, who
13 testified before the Commission last week, and five
14 other civilian employees were taken hostage in the
15 offices on the second floor of Metal Shop I. With
16 these, a total of twenty hostages -- nine correction
17 officers and eleven civilians -- were taken in the
18 metal shops.

19 A large number of the inmates who were in
20 the metal shops and the commissary were able to
21 escape the riot. Many gathered in the Ponderosa,
22 a large open field inside the walls, under the cover
23 of the guns in the wall towers.

24 They were escorted back to E and C blocks
25 later in the day. Other inmates, along with two

1 civilian employees, gained access 228

2 to the maintenance building. Over fifty inmates
3 and some nine employees spent Thursday night in that
4 building and were not evacuated until the next
5 morning.

6 One civilian employee of the metal shop, an
7 elderly man, was allowed to walk unmolested from the
8 metal shop through Times Square, and out the front
9 gate. He lost only his wallet.

10 Inmates also attacked two officers near
11 the coal shack but were frightened away by an armed
12 officer in the wall post.

13 From the metal shops, inmates headed toward
14 E block, the new security block at Attica. When they
15 arrived, the inmates of E block were locked in their
16 cells, but all of the officers stationed there had
17 retreated through the back door.

18 The E block gates were forced open by the
19 arriving inmates, the cells unlocked, and the inmates
20 freed and told to go to D yard. The laundry and the
21 barber shop were broken into and set on fire.

22 I have covered what happened in A, C, B
23 and E blocks and adjacent areas. What about D
24 block?

25 Again, while some inmates headed down C

1 and B corridors, others ran through .229
2
3 D corridor. Two officers in that corridor were
4 subdued and became hostages.

5 The D block gate had been opened at the
6 first sign of trouble at the hall captain's direc-
7 tions, to enable inmates in D yard to lock back in
8 their cells if they wished. It was not closed again
9 before the onslaught came from Times Square.

10 Inmates filled the D block office area and
11 overpowered the hall captain. He was able to
12 barricade himself in the officer's washroom, but
13 only temporarily. He was finally brought out and
14 made a hostage and his keys were taken.

15 Inmates surged through D block, destroying
16 the cell locking system. Another D block officer
17 became a hostage, but two others were hidden by
18 inmates under beds in D block cells. There they
19 remained until the next afternoon, when they were
20 taken to the yard as hostages. With the D block
21 keys, inmates could reach the buildings beyond D
22 block.

23 Behind D block lie the State Shop, the
24 chapel or auditorium, and down this corridor, the
25 school house.

Inmates entered the State Shop building,

1 where clothing is kept and dis-
2 pensed, and set it aflame. At the first sign of
3 trouble, the correction officer on duty in the tailor
4 shop on the second floor had been locked in a back
5 room at his own request by inmates who worked for
6 him and respected him. He was rescued from the
7 burning building by fellow officers dispatched from
8 the administration building; but the State Shop
9 building was completely destroyed.

10 From D block, inmates also rampaged
11 through the Chapel, ripped out the organ pipes and
12 set fire to the altar, destroying the roof.

13 In the school building, warnings of trouble
14 were brought by an inmate runner. Inmates jammed
15 the gate with an iron bar and the school was invaded
16 only later in the day. By that time it was deserted.
17 Unlike those in the metal shops, the inmates, officer
18 and teachers who worked in the school had escaped to
19 safety out the back door.

20 Although the school building was vandalized
21 that day and has not yet reopened, some classrooms
22 ironically remain untouched. The blackboards still
23 show such things as a math quiz and the random
24 doodlings of Attica inmates, scrawled before the
25 explosion which rocked Attica and the entire world.

By 10:30 a.m. on Thursday, 231

September 9, 1971, 1281 inmates out of Attica's population of 2243 had assembled here in D block yard. Inmates controlled two cell blocks, B and D, the metal shops, the State Shop, Chapel, school and the commissary.

Most important, they controlled Times Square, and hence, access to all of the yards and the tunnels which connect them.

Although the inmates had taken fifty hostages, eleven of these were released by the inmates themselves during the first hours of the uprising. One of them, William Quinn, died two days later.

As I said, we will have statistics on the D yard population later on.

MR. LIMAN: Sergeant English.

MR. ROTHSCHILD: Steve, you talked about a number of gates all over the institution that were forced.

Just as a point of fact, were these forced or were these opened with the keys they had? I know about the ones in Times Square, but were a lot of gates actually knocked down or broken open?

MR. LIMAN: We are going to have a locksmith on tomorrow with respect to some gates. Mr.

1 Rosenfeld, do you want to answer?

232

2 MR. ROSENFELD: Of course, we don't know
3 for sure how every single gate fell. The inmates
4 who broke into Times Square were able to get the
5 keys that were there and those undoubtedly unlocked
6 some.

7 Remember also, once they were in the metal
8 shop, there was a lot of equipment which could be
9 used to break gates and that undoubtedly was used.

10 MR. MC KAY: Bishop Broderick, do you have
11 a question?

12 BISHOP BRODERICK: Steve, I heard you say
13 that at least two correctional officers were
14 stripped. Did I hear right?

15 MR. ROSENFELD: Yes.

16 BISHOP BRODERICK: Were there any others?

17 MR. ROSENFELD: Yes.

18 BISHOP BRODERICK: Was this standard pro-
19 cedure?

20 MR. ROSENFELD: I wouldn't say it was
21 standard procedure. Some hostages were stripped.
22 All of them, however, were given clothing once they
23 were actually assembled in D yard.

24 BISHOP BRODERICK: I see. Thanks.

25 MR. MC KAY: Sergeant English, will you

1 remain standing to take the oath.

2 S E R G E A N T J A C K E N G L I S H,

3 called as a witness and being first duly sworn

4 by Dean McKay, was examined and testified as follows:

5 EXAMINATION BY MR. LIMAN:

6 Q Would you state your full name for the record?

7 A My name is Jack C. English.

8 Q What is your occupation?

9 A I am a correction sergeant at the Attica
10 Correctional Facility.

11 Q How old are you?

12 A I'm 42 years old.

13 Q How long have you been a correction officer?

14 A I was a correction officer for nine years and
15 I have been a sergeant for ten years.

16 Q So that all told, you have been in the service
17 of the Department of Correctional Services for 19 years?

18 A As of this August, I will have 19 years.

19 Q How many of those years were spent at Attica?

20 A I have been there since 1964, which would be
21 about a little over seven years.

22 Q Where are you from originally?

23 A From Elmira, New York.

24 Q Sergeant, were you on duty on September 8th?

25 A Yes, I was.

1 Q On September 8th?

234

2 A Yes.

3 Q Were you on duty on September 9th?

4 A No, I was not on duty -- excuse me, I misunder-
5 stood your question.

6 I was not on duty on September 8th.

7 Q That was a Wednesday.

8 A That was a Wednesday. I was off duty that day.
9 I returned to duty the following day, Thursday,
10 September 9th.

11 Q What was your assignment?

12 A I was the institution chart officer. I relieved
13 the regular chart officer on that day.

14 Q What are the responsibilities of the institution
15 chart officer?

16 A He reads the roll calls for the three day
17 shifts, makes assignments where necessary to cover areas,
18 takes the opening and noon counts and makes adjustments
19 in assignments during the day as are needed, where
20 officer personnel is needed.

21 Q Is he in charge of the principal communications
22 center at Attica?

23 A Yes. Most of the institution business comes
24 through that single telephone at that desk.

25 Q Where is the desk located, in the administration

1 building?

235

2 A Yes. It is in the administration building, down-
3 stairs at this point, in an underground floor in this
4 building.

5 Q So that it is in the building which precedes A
6 block as you enter the institution?

7 A That is correct.

8 Q Now, what time did you report for duty on
9 September 9th?

10 A It was about, oh, 6:35, 6:40, somewhere there-
11 abouts, A.M.

12 Q Your regular duty hour would have started at
13 7 a.m.?

14 A Actually 6:50. The roll call was held at 6:50,
15 and the shift went on duty at 7.

16 Q Were you briefed by anybody on the state of the
17 institution when you arrived?

18 A Yes. When I arrived, the Lieutenant informed
19 me that there had been what he described as an ugly inci-
20 dent the evening before, when the institution was closing
21 up.

22 Q What did he say had happened?

23 A He said that one of the lieutenants had been
24 struck in the yard. the the inmate had refused to come
25 out of the yard and that they had left him there, and

1 then after the institution was locked 236

2 up, after supper, they removed this inmate from his cell
3 and had taken him to housing block Z.

4 Q Did he say that anything had happened during
5 the movement of the inmates to housing block Z?

6 A Yes. During the movement of one of another
7 inmate from 5 company, one of the officers had been struck
8 with an object thrown from a cell. I believe it was a
9 can of soup, it was described as.

10 Q Did the officer who briefed you on this
11 convey to you any sense of apprehension?

12 A Yes. He was -- he felt there was some tension
13 there. He saw that an extra officer was assigned to
14 cover gas behind Amos Gate and assigned any extra help we
15 had to A block.

16 Q Were any other precautions taken at that point,
17 at 7 a.m.?

18 A Only an announcement that the lieutenant himself
19 made at the roll call, explaining to officers who weren't
20 aware of it of the incident that happened the evening
21 before, and alerted them to use the most conservative
22 judgment and caution in handling any situations that
23 might arise.

24 Q The lieutenant who gave that advice is going
25 to be testifying here later, so I will use his name.

That was Lieutenant Curtiss?

237

A Yes.

Q When he said that the officers should use conservative judgment in handling any situations which might arise, how did you interpret that?

A He meant to avoid any kind of a confrontation involving a group of inmates, anything of a confrontation nature.

Q Was this advice unusual in the sense that the situation was different on September 9th than previously?

A I don't quite understand your question.

Q Well, had he given this advice regularly when the institution was opened up in the morning?

A I hadn't heard that given before in those --

Q What happened after the institution was opened and you took your duties as chart officer?

A I proceeded to take the morning count and as soon as that was correct, notified the kitchen and the blocks so they could start breakfast.

Breakfast seemed to go in a routine manner, there was no --

Q Was this early mess?

A That was the regular breakfast at 7 o'clock. Probably 7:15. It is between 7:15 and 7:20.

Q Now, did the company in which the incident

1 occurred the night before with the soup 238

2 can, that you had told about, go to that early breakfast?

3 A No. That company was held in -- that was
4 normal for them to be held in to eat the late breakfast.

5 Q That company was 5 company?

6 A Yes.

7 Q And 5 company was grading company?

8 A Yes.

9 Q Would it be fair to say that the grading company
10 was considered by the officers and the administration as
11 being a company in which you put inmates that you con-
12 sidered difficult to handle?

13 A Yes, that would be a correct estimation for the
14 most of them.

15 Q I take it that you were apprehensive not only
16 because an incident had occurred the night before, but
17 because it had occurred in this company?

18 A That is correct.

19 Q When was the second mess on September 9th, at
20 what hour?

21 A Somewhere between 8:20, I would say, between
22 8:20 and 8:35.

23 Q There was a shift that worked at Attica from
24 12 midnight to 8 a.m.; am I correct?

25 A That is correct.

1 Q And if there was an emergency
2 situation, that shift could have been held over; am I
3 correct?

4 A That is correct.

5 Q Was a decision made not to hold that shift over?

6 A To the best of my knowledge, no decision was
7 made to hold them over.

8 Q So that they were released?

9 A Yes. When they were released, they went off
10 duty.

11 Q Approximately how many correction officers did
12 you then have in the institution for 2200 inmates?

13 A Between the combined 7 o'clock and 8 o'clock
14 shifts, there were less than a hundred men in the institu-
15 tion. Less than a hundred uniformed men in the institution

16 Q Sergeant, did you get a report with respect to
17 what happened when this 5 company was being moved to
18 breakfast that morning?

19 A Yes. At about, it must have been about 8:20 or
20 so, the hall keeper from A block called and said that
21 5 company had been let out of their cells for breakfast
22 but the man who had been keeplocked from the night before
23 had also been released.

24 My first question was how did he get out of his cell.
25 The hall keeper said he didn't know but he was out of his

1 cell and refused to go back in.

240

2 Lieutenant Curtiss was standing near me at the
3 time and I relayed the information to him, and he took off
4 for A block.

5 A little bit later, just a few minutes later,
6 he got to A block and he called me back and said that
7 the company had already gone, that they had been taken
8 off the gallery and taken to breakfast.

9 Q Were you given any instructions as to what was
10 going to happen to this company when it returned from
11 breakfast with the man who was supposed to be keeplocked?

12 A No. I was given no instructions.

13 Q So you did not know that any decision had been
14 made to return this company to its cells and in that
15 way put the man back into keeplock?

16 A I didn't -- no. It wasn't spelled out to me
17 what was going to be done. I just assumed the man would
18 be piecked up and brought back to his cell.

19 Q Did you also assume that the company would be
20 permitted to go out to the yard in the normal course of
21 its business?

22 A That was my assumption, yes.

23 Q And nobody told you otherwise?

24 A No.

25 Q You talked about the fact that you were at what

1 was the principal communications desk at 241
2 Attica. Would you tell me what kind of equipment you had
3 to communicate with other officers and places in the
4 buildings?

5 A We had the single telephone which -- a dial
6 telephone which -- with which calls were funneled in to me
7 one at a time, or I could call out one at a time.

8 That was the sole communications that I had at
9 my disposal right there.

10 Q So that if you were on the phone with one part
11 of the building, nobody else could call in to you and you
12 couldn't call out to anybody else?

13 A That is correct.

14 Q There was no PA system?

15 A No, no radio system.

16 Q No radio system whatsoever in the building?

17 A No.

18 Q When did you first learn that there was any
19 trouble?

20 A It must have been about 8:45, I think, that the
21 A block hall keeper called back again and said that the
22 lieutenant, Lieutenant Curtiss, was having trouble in the
23 corridor with a company of inmates, and he requested that
24 I get some help for him.

25 Q When you say the corridor, you mean A tunnel?

1 A Yes. Jay Bee on the block gate. 242

2 Q Did he describe what kind of trouble Lieutenant
3 Curtiss was having?

4 A No. He merely asked for help.

5 Q Did you have any understanding what the dimen-
6 sions of the problem was at that point?

7 A No.

8 Q You were asked to get some help. What did you
9 do?

10 A I called D block and asked the hall keeper there
11 to send any available officers he had to A. He told me
12 that he had no available help to send over because all his
13 men were employed in one spot or another. He couldn't get
14 them over.

15 I called the hall keeper in B block and his
16 response was pretty much the same.

17 Q Did you call the hall keeper in C block?

18 A I called over in C although I knew that he
19 didn't have any spare help anyway, anywhere near any
20 spare help, and Captain Wohl answered the phone, and I told
21 him that there was some trouble, there seemed to be some
22 trouble going on over in A block and that he should try to
23 secure C block as quickly as possible.

24 Then I tried to call the metal shop and their line
25 was busy.

1 Q Sergeant, you were unable to 243
2 get any help for the officers in A block as requested?

3 A Yes. Later on I was able to get some help over
4 from the reception building and offices and other areas,
5 but by this time they were unable to get into A block.

6 Q It was too late?

7 A Yes.

8 Q The metal shop was the area in which the most
9 hostages were taken.

10 A That is correct.

11 Q And the metal shop has a door that would lead
12 out to gun cover safety -- am I correct, the metal shop?

13 A Yes.

14 Q And if you had been able to reach the metal shop,
15 the officers and civilian help there could have taken
16 that escape route?

17 A Yes, they could have if they had been alerted
18 in time.

19 Q Did you succeed in communicating with any
20 officers of the fact that there was trouble so that they
21 could leave the buildings?

22 A Yes. E block, which is -- I called them also
23 and told them to secure the block, so they placed the
24 inmates in their cells.

25 E block, of course, is a medium security

1 building and it is located over here.

244

2 This one over here, and they are more or less away from
3 the rest of the cell blocks, and the officers there got
4 the inmates into their cells without any difficulty and
5 then locked the gate leading into the corridor.

6 At one point the hall keeper from E block called
7 and reported that inmates were breaking down, trying to
8 break down the gate leading into the block.

9 I asked him if he thought the gate would hold
10 and he said no. I told him to get out of there, so the
11 officers got out of the back of the block.

12 Q Can we hold for a moment so the reporter can
13 change his tape.

14 A Yes.

15 Q Sergeant, you testified about making calls and
16 attempting to make calls to officers in different parts
17 of the institution.

18 Were you also receiving calls during this period,
19 other than the one you got with respect to A block?

20 A Yes. I received a call from one of the wall
21 officers who said that inmates were coming out the back
22 of the shop.

23 I told him just to watch them and not to let them
24 approach his position. Then I received another call from
25 an officer who reported that two officers were being

1 assaulted. This is in the rear of the
2 power house, and that one of them had apparently been
3 rather severely injured.

4 Q Can you give us any kind of description of what
5 it was like to be at the desk that morning -- with one
6 phone?

7 A Just chaos. It took a while to realize the
8 magnitude of the whole thing, to begin with. What started
9 out what seemed to be an isolated incident quickly spread
10 through the whole institution.

11 Q I take it Attica is so constructed so that any
12 disturbance can be isolated to a particular area; am I
13 correct? That is the theory of all these gates?

14 A That is the intent of the construction and all the
15 gates and what not.

16 Q And the principal gate area is Times Square in
17 which all of the different blocks bisect each other?

18 A Right.

19 Q When did you learn -- how did you learn that
20 Times Square had fallen?

21 A When some injured officers were carried out,
22 as they started to bring out the injured officers,
23 including Officer Quinn, we realized that some people had
24 been severely injured.

25 Of course, all this time I was busy contacting

1 local hospitals for ambulance service

246

2 and aid. At one point I gave the order to the power house
3 officer to sound the institution whistle, which would be
4 to summon in all off-duty personnel.

5 Q Was there any code to this whistle so that some-
6 body would know whether it was an inmate escaping or whether
7 it was a disturbance or some other occurrence?

8 A Not at that time. It had been proposed that a
9 code be established to differentiate between a major
10 disturbance and a walkaway, for example, but at this time
11 the full alert order was still in effect.

12 In other words, any time the institution
13 whistle blew, off-duty personnel were to report.

14 Q Are you saying it wasN'tuntil the inmates re-
15 leased Officer Quinn that you realized that Times Square
16 had fallen?

17 A I think I knew it before that, that he had been
18 injured.

19 Q But it was quite late in the events?

20 A Yes. It came home with a good deal of emphasis
21 when he was carried out.

22 Q There came a time, there came a point when you
23 learned that most of the institution had fallen under
24 the custody of inmates; am I correct?

25 A That is correct.

1 coming in there to get these men out.

248

2 That was accomplished.

3 Later on, I was relieved by the regular chart
4 officer that came on duty and I was assigned, along with
5 another sergeant and some officers, to draw weapons and
6 attempt to bring all inmates out of the hospital area, out
7 of the kitchen and mess hall, and which we did.

8 We went to the hospital area first and all the
9 non-participating inmates who were in the hospital came
10 out and were placed in this area here, between these two
11 buildings under armed guard.

12 We then went on to the kitchen and brought out
13 the 90 odd inmates who were in there, who also were non-
14 participants.

15 They came out in an orderly manner and they were
16 also placed in this area.

17 One of the lieutenants took a squad of men and
18 went in and resecured E block over here, took that area.

19 Q Did he report that he had encountered any
20 resistance in doing that?

21 A No.

22 Q He had not encountered any resistance?

23 A I didn't hear any mention of it.

24 I remained, along with the other sergeant and
25 his squad, in the mess hall and kitchen area. There was

1 an inmate on the roof of the kitchen who,
2 when I looked out the back of the window, he signalled to
3 me that the officer in officers' mess was inside, still
4 inside the building.
5

6 We could hear inmates over in the building. It
7 sounded as if they were breaking the place up, breaking
8 up chinaware and whatever.

9 The other sergeant took his squad in and
10 apparently when he went in, these inmates took off and the
11 officer was freed in there.

12 I took my squad later over here through A mess
13 gate -- excuse me, over here, A mess hall, into C Block,
14 and we checked out the companies in C block to get out any
15 inmates who were in there or to see if it was clear.

16 There was one officer locked in the toilet on
17 the second floor of C block and he was released. There
18 were four inmates on the gallery and they were taken out
19 also, and put in this holding area.

20 Q Did you encounter any resistance in securing
21 C block?

22 A No resistance as such. When I first went into
23 the block, the four inmates were on the gallery. I
24 ordered them to put their hands up over their heads and
25 the first -- a couple of them started to resist. I fired
~~a warning shot and then they put their hands over their~~

1 heads and they were brought out.

250

2 Q Is that the only time you discharged your
3 weapon that day?

4 A Yes.

5 Q Did you attempt to secure any other parts of
6 the prison that day?

7 A Yes. After that we came out here and I joined
8 the lieutenant with some -- there were some State police
9 officers back here by the time, and we were instructed to
10 bring the men from up here on this area that is referred
11 to as the Ponderosa, there were 19 men, I believe, in the
12 storehouse.

13 There were 19 some men in the power house. .
14 These were all non-participants. There was a large
15 congregation of men, upwards of 75 men, in this mainten-
16 ance building. These were men who had fled from the metal
17 shops across the alley for safety.

18 Also there were the regular crew of maintenance
19 inmates who worked in this building. They were -- all
20 were non-participants.

21 Q How did you distinguish between participating
22 and non-participating?

23 A Well, the non-participating man would be one who
24 refused to obey any lawful order.

25 Q But for all practical purposes, everybody who

1 was not in D Yard was considered by you as non-parti- 251
2 cipating?

3 A As non-participating, right. There were
4 also--there was a large group of men up on the hill
5 here. They had taken the officer from the shop along
6 with them and they had taken his uniform clothing
7 and put him in inmate clothing.

8 Q For his own protection?

9 A That's correct. These are the men who
10 worked for him in the shop. At first I received a
11 call from a man out on the tower post here that the
12 officer was being stripped of his clothing but it
13 wasn't what it appeared to be.

14 He was being helped rather than being injured.

15 Q Did you attempt to go into the B Block area?
16 Would you point out B Block?

17 A This would be the B Block area here.

18 Q And where the metal shops are, did you
19 attempt to enter that area?

20 A The metal shops.

21 Q The metal shops are behind B Block?

22 A Right.

23 Somebody else, I still don't know who it
24 was, had taken officers into the shops--except for this
25 shop. This shop was on fire. Flames were shooting up

1 and it looked like the building was going to be 252
2 consumed. But someone went in and checked out
3 these, this metal shop building here, metal 2. The
4 lieutenant and I and some of the State Police officers
5 came in through the garage and into this area here.

6 There were some mattresses burning here in
7 the corridor and we went down this corridor here to
8 B Block. I looked up. I saw an inmate up here on the
9 top of this tunnel. He was up there with a pick. It
10 looked like a pickax, some kind of a digging tool and
11 he was wailing away at that gate that would lead into
12 B Block up there. And I stood there for a moment.

13 When he saw me he dropped his pick and backed
14 away. I went back and the State Police officers had a
15 radio--

16 Q Did you have a radio?

17 A No, I didn't have a radio. The State Police
18 did. I attempted to contact the Deputy Superintendent
19 for further instructions on what to do.

20 Q Why didn't you attempt to go into B Block
21 and secure that area?

22 A There were inmates--we knew the inmates
23 were in the area. They were in this area and we didn't
24 know what we might encounter there. I would have needed
25 more help than what we had there if we were to attempt

1
2 The transmission was garbled so I walked back
3 out through here to the--this phone in the garage was
4 dead. Apparently had been torn out. Went back into
5 the storehouse and called the Deputy Superintendent
6 for instructions. I explained to him it appeared we
7 could walk into B Block and recover it but he instructed
8 me to stay out for fear of injuring the hostages that
9 were in there.

10 Q And that ended your efforts to retake the
11 prison on that day?

12 A As far as I was concerned, yes. I was assigned
13 to stay back in this area and see that the--this
14 perimeter was civered, We anticipated that there would
15 be a possibility of inmates coming out the side door
16 of this block here and if they did, we were to appre-
17 hend them.

18 Q Sergeant, you mentioned that you discharged
19 your firearm. What were you carrying?

20 A It was a .38 calibre revolver.

21 Q Sergeant, you were here when testimony was
22 given today with respect to beating of inmates by cor-
23 rection officers.

24 Have you ever seen a correction officer
25 assault an inmate?

1 A No, sir, I haven't.

254

2 Q And how long have you been in Attica, did
3 you say?

4 A It's better than seven years.

5 Q You know that inmates believe that inmates
6 are beaten in the elevator on the way to the box. You've
7 heard that, those statements?

8 A Yes, sir.

9 Q If inmates are not beaten, how do you
10 account for that belief?

11 A The only thing I can think of is that--when
12 I came to work at Attica, there was a myth or a
13 legend or whatever it was about that famous, famous
14 or infamous elevator that went from the ground floor
15 to the box, now called HBZ. That's the only thing I
16 can think of. There is a number of legends about how
17 inmates would be beaten going up there but I never
18 witnessed such an incident.

19 Q Is that myth deliberately cultivated so that
20 inmates would be in fear--

21 A I father thought that it was. It was some-
22 thing that was an attempt to instill a kind of fear or
23 dread of the segregation. Maybe an attempt to try
24 to keep the inmates in line behaviorwise.

25 Q Is there any procedure for a supervisor accom-

1 accompanying inmates on the way to the box so that--

2 A Yes. It is a normal procedure for a super-
3 visory officer to accompany the officers and these--
4 generally this is a sergeant or higher. Plus enough
5 officers to restrain the man adequately so no undue
6 force has to be used.

7 Q Is there a procedure for the superintendent
8 or deputy superintendent to accompany inmates in view
9 of this widespread belief and fear?

10 A No, I never heard tell of that.

11 Q You testified about the gate system at Attica
12 as a means of isolating trouble. Did you believe that
13 the gates and locks would hold?

14 A Yes, I did. I felt if at any time we needed
15 them, they would be adequate.

16 Q In retrospect, do you feel you put too much
17 faith in those gates?

18 A It appears we did.

19 MR. LIMAN: Mr. Chairman?

20 MR. MC KAY: Sergeant English, I have
21 just one question.

22 EXAMINATION BY MR. MC KAY:

23 Q You said that on the morning of September 9,
24 as you came on duty you were told by Lieutenant Curtis
25 to beware of a tense situation which I understand, but

1 in addition he said, as I recall your words, that you 256
2 were told to avoid confrontation.

3 I would assume that would be a standard
4 instruction. Wouldn't you also seek to avoid confron-
5 tation or was there something meant--

6 A There was a special emphasis placed on it this
7 morning, to use the most conservative judgment in
8 handling any situation that arose.

9 Q In what ways would that mean you would treat
10 the inmates differently on that day than on all other
11 days?

12 A It would mean that if an inmate challenged
13 the officer's authority openly in front of another
14 group, he would not take the customary action of
15 ordering the man to his cell at that moment. He would
16 rather wait until there was a time when there weren't
17 a lot of inmates present.

18 MR. MC KAY: Thank you. Are there other
19 questions from Commissioners?

20 Mr. Marshall?

21 EXAMINATION BY MR. MARSHALL:

22 Q Sergeant English, you said that when you got
23 this call from A Tunnel, that there was trouble there
24 and that they needed help. Then you called, I think,
25 B Block people and the D Block people and although you

1 knew that the C Block people had no extra help, you
2 called them too.

3 And that there were no additional men avail-
4 able from any of those places.

5 My question is this. Was the place under-
6 manned in some fashion on that day or was--would this
7 have been true any time? Was there no provision at
8 all for getting help for this kind of trouble?

9 A No, the only method would be to sound the
10 general alarm to bring men in that were off duty.

11 Q But, of course, that would take some time?

12 A That would take time, yes. But there was
13 no formalized plan of drawing men from various areas
14 to get in there in a hurry.

15 Q Is there such a plan now, Sergeant, do you
16 know?

17 A There hasn't been anything specific worked
18 up although I understand it's being developed.

19 Q The communications system that you were in
20 charge of that morning, as I understand it, was basically
21 one phone?

22 A That's correct.

23 Q Is there still just one phone?

24 A We have the phone but we also have a radio
25 system. A base radio with--at present we have four

1 portable units and we anticipate getting another 258

2 20 portable units for various areas and various
3 exigencies.

4 MR. MC KAY: Mr. Henix?

5 EXAMINATION BY MR. HENIX:

6 Q My question is a repeat of just about the same
7 question I have asked every officer that's come before
8 this Commission.

9 You say that you have been in the service 19
10 years.

11 A Yes, sir.

12 Q Eleven of those years you spent in Elmyra?

13 A No. I was at Elmyra for--

14 Q You said 1964 you came to Attica.

15 A Right. I worked at the New York State
16 Vocational Institution for Coxsackie for three years.
17 Then at the Elmyra Reformatory. Then I was a temporary
18 sergeant at Great Meadow for six months. Then to
19 Attica and I went back to the Elmyra Reception Center
20 and worked there briefly and back to Attica.

21 Q I would like to ask you an additional question.
22 The purpose for the sticks that they carry, is there any
23 purpose--most officers say it's like a symbol of
24 authority. Like the uniform is not enough. Could you
25 kindly explain to me what do you mean--

1 42 A Ostensibly the purpose of the stick is
2 self defense. The officer's own self defense. It
3 is a part of his uniform.

4 Q Have you ever seen an inmate beaten for any
5 reason?

6 A No.

7 Q Not even when the officer was defending
8 himself, 19 years in the service?

9 A You have to qualify the term beaten. I have
10 seen inmates being struck by an officer, yes.

11 Q Subdued?

12 A Yes.

13 Q Did it necessitate the use of the stick?

14 A No.

15 Q He didn't use it in that instance?

16 A No.

17 MR. HENIX: I thank you.

18 MR. MC KAY: Mr. Carter?

19 EXAMINATION BY MR. CARTER:

20 Q I think in answer to a question from Mr. Liman
21 earlier, you indicated that disciplinary problems were
22 assigned to the Grade G Company. I would assume that
23 the Grade G Company is the meanest, dirtiest, heaviest
24 kind of work.

25 Would you tell me what it is?

1 A Yes. Not all the--I should qualify this
2 statement first that not all men on the Grade G
3 Company could be classified as troublemakers because
4 some of these men enjoy that kind of work.

5 What it is is sweeping up driveways, raking
6 of grass, shoveling snow in wintertime, generally
7 grounds keeping work. That sort of thing. Some of the
8 men prefer that kind of work. Other men were assigned
9 there because they weren't amenable to any other kind
10 of programs.

11 Q I understand you to tell Mr--are you--are
12 you changing your statement. I understood you to
13 say to Mr. Liman that the people were assigned there
14 were generally regarded as general disciplinary prob-
15 lems.

16 A Generally were considered as disciplinary
17 problems.

18 Q Our statistics show that 80 per cent of the
19 people assigned there are black. Does that mean that
20 the blacks, the majority of the blacks are disciplinary
21 problems?

22 A I don't know. Is there any--has the blacks
23 any more disciplinary problems than others.

24 Q What is--can you give me some idea what a
25 disciplinary problem is? Is that someone who isn't

1 amenable to cooperation with the establishment? 261

2 A Right. Yes, that's just about what it is.

3 A man who isn't willing to obey the rules or the
4 orders as they are given to him or who isn't willing
5 to address himself to any kind of a program.

6 Generally persistent violators of the insti-
7 tution's rules.

8 Q I also want to understand you perfectly. You
9 said "are not willing" to address themselves to any
10 kind of program.

11 What does that mean? I understand the other
12 parts of your answer but I don't understand that.

13 A A man who refuses to accept any kind of pro-
14 gram to do any kind of work.

15 Q To do any kind of work?

16 A Right.

17 Q Are there rules and regulations that you have
18 for, certain punishments for various infractions?
19 If I don't--if I am an inmate and I don't obey an
20 order to get up in the morning for count, aren't
21 there certain kinds of discipline for that?

22 A Right. The officer's responsibility is to
23 report the infraction of the rule. The rule--this re-
24 port then is referred to the Adjustment Committee which
25 calls the man in for a hearing and he pulls some sanction

mate and makes some kind of an adjustment.

Q Since there are these, Sergeant English, since you do have it seems to me, rules and regulations for infractions, do you regard it as good administration to assign people instead of punishing them, according to the rule books, to assign them to say a grading company or some kind of job as punishment? That's what this amounts to, isn't it?

A Yes, I believe it does.

Q Do you regard that as being good administration?

A The only way I have ever considered it is that these men had to be placed in some kind of a program and this is the last, outside of being assigned to segregation, this was the last available program.

MR. CARTER: Thank you.

MR. MC KAY: Mr. Rothschild?

EXAMINATION BY MR. ROTHSCHILD:

Q Sergeant English, I am interested really, on strictly an organizational basis, that morning where you described you were trying to answer your one phone, calls from many places, is within Attica or at that time within Attica, was there someone to whom you could go with these problems? You were in charge of communi-

1 cations. Was there an organization, were you the 263
2 one who really therefore had to make the decisions as
3 well as the--do the communicating or was there--I am
4 not trying to ask for names, was there in fact some-
5 one to whom you could go and say something is up or
6 someone just started to worry about whether in fact
7 you couldn't get anybody to go and help the two offi-
8 cers--

9 A Yes, the fact is that the superintendent
10 was there at this time that morning and he was in and
11 out of the office checking with me as to what was
12 going on.

13 Q Did he have any way of getting a phone
14 separate from you or were you the message center?

15 A I had the phone in my office. He also had
16 a phone in his office.

17 Q Someone could be calling him directly from
18 out in the institution as well?

19 A Right.

20 Q Was there any way to collect the information
21 you were getting and the information he was getting
22 and perhaps the deputy superintendent?

23 A No. Not them being in three separate loca-
24 tions.

25 MR. ROTHSCHILD: Thank you.

1
2 EXAMINATION BY MR. WILBANKS:

3 Q If you had a radio system as you described
4 you are going to have in the immediate future and you
5 have some part of the system now, in your opinion
6 how much of this disturbance could have been contained,
7 if you have had the facilities that you have now?

8 A This is a conjecture, of course.

9 Q Yes, I understand that.

10 A It is quite probable that the metal shop
11 could have been saved, if it hadn't already gone before
12 we got word of it. If there had been a radio there
13 and a radio in my location, they could have been alerted
14 to what was going on and made some effort to get out of
15 there.

16 MR. MC KAY: Mr. Wadsworth?

17 EXAMINATION BY MR. WADSWORTH:

18 Q Just a very short question. You said at
19 the beginning that there was some plan for riot--I think
20 you said of sorts, if I remember correctly.

21 A Yes.

22 Q Was this communications element discussed as
23 a part of that plan and did those planning it find that
24 this would be probable enough, was this really put
25 on the table?

1 48 A It was a plan. 265

2 In other words, a scheme but it never had been
3 tried and there never had been any drills.

4 Q Were communications a major part of that?

5 A Yes.

6 Q And these seemed adequate as plans, the one
7 phone?

8 A As the plan lay, yes, to cover an isolated
9 area.

10 MR. WADSWORTH: Thank you.

11 MR. MC KAY: Mr. Henix has an additional
12 question.

13 BY MR. HENIX:

14 Q I just want to ask you this question. Having
15 been at Cocksackie, during the time that you were part
16 of the administration of Cocksackie, was the yard
17 still segregated?

18 A Yes, the men segregated it themselves.

19 Q But with the support of the administration?

20 A No.

21 Q Has the administration ever tried to change
22 that?

23 A I don't believe there was any effort made to
24 integrate or segregate the men there. When they went
25 in the yard, they went where they wanted to go.

2 you now serve as a sergeant, which is a position of
3 authority, would you say that this institution was
4 forming non-segregated lines in job placement and
5 things of that type?

6 A Yes, I think that it was integrated as far
7 as the job placement went.

8 Q You do?

9 A Yes, I do.

10 MR. HENIX: Thank you.

11 MR. MC KAY: Sergeant English, as I think
12 you understand, you are entitled to make a state-
13 ment of your own. Anything that you would like
14 the Commission to know or the public to know, whether
15 it bears upon the questions asked you or not.

16 Would you like to make such a statement?

17 THE WITNESS: The only statement I would
18 like to make, Mr. McKay, is that, as I sat here this
19 morning, I--this afternoon, and heard the testi-
20 mony of the inmates, particularly Mr. Mace, who
21 testified, I was quite shocked at the nature of
22 his testimony. The things related I can't believe
23 happened.. In the first place, the brutality that
24 he is referring to, the officer that has to work
25 with these inmates every day, if he were to impose

1 such brutality on an inmate, he would have a one-day 267
2 job. He might as well not try to have any kind of
3 relationship with an inmate or group of inmates after
4 that.

5 I felt that the testimony--what was given as
6 his testimony was a good deal of conjecture on his
7 part.

8 MR. MC KAY: Thank you very much for
9 being with us today, Sergeant English. We
10 appreciate your assistance.

11 (Witness excused.)

12 MR. MC KAY: The hearings will be
13 recessed today until tomorrow morning.

14 (Time noted: 6:05 p.m.)
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