

2 the negotiating table and talked with the prisoner  
3 leaders and then--he got up and came over to where  
4 I was sitting near the first eight tables and he said  
5 that one of the things that they officially had asked  
6 him to do when he came in this time was to check with  
7 me and see if everything had been going all right.  
8 Apparently what happened was when Tiny went over to  
9 the guards he told them I was being held, so when this  
0 man was being permitted in to talk to the prisoners,  
1 he also was instructed to check with me.

12 So, I told him that I had been receiving com-  
13 plete cooperation up until this time and that right now,  
14 for some reason or another, they decided that I should  
15 not leave the compound.

16 So, he walked back over to the table, appar-  
17 ently to talk to him about that and when he got there  
18 he turned around and waved to me to come over. He de-  
19 cided that maybe I ought to tell my own tale.

20 So, I went over and he said that the doctor  
21 tells me that he hasn't received complete cooperation  
22 here until this particular time and now he is not per-  
23 mitted to go out. And the tall black that had caused  
24 me such distress by his irrational behavior stood up  
25 and immediately launched out into a tirade again about

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1 how things were very bad in there

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2 and they needed medical care, what if one of them got  
3 sick or what if one of the hostages got sick and there  
4 was no reason why I had to leave and sort of things like  
5 this.

6 Then he went on for several moments and fi-  
7 nally one of the other leaders spoke up and said well,  
8 why don't you sit down and shut up and let the doctor  
9 say what he wants to say.

10 So, he said, "Oh, sure, sure." He went over  
11 and grabbed the microphone from the public address sys-  
12 tem and offered that to me. I said I didn't care to  
13 speak to everyone, I am just here to speak to you lead-  
14 ers. Then he said, "Oh, sure, sure." And he finally  
15 sat down and I told him that I had come in of my own  
16 own volition. I said I am not employed by the state  
17 and had nothing to do with the prisons and I just came  
18 in to help the hospital out and help you and your bro-  
19 thers out and I felt I had done you a favor. I was  
20 perfectly willing to come in at any time they needed  
21 help and that I had responsibilities on the outside.  
22 I had patients that needed help and I didn't see any  
23 reasons for my staying any longer. Apparently trying  
24 to seek a compromise between my viewpoint and that of  
25 the objective, a couple of them said, "Well, couldn't

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you stay for a while longer?" They

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said, "We are expecting a negotiating committee coming in later this evening. You can go out with them."

I said, "Well, from the way the negotiations are going around here, you never know when that might take place. It might take place 2 or 3 hours from now." And I said, "I don't care to sit around here waiting that long."

Finally, they said, "Would you stay a little, a half hour?"

I said, "Sure, I would be happy to."

With that amount of reassurances I went back over to the aid table and at that point Tiny came back in with the medication, so I worked about another half hour and commenced all those and then when things were quiet again I told my guide that I was ready to leave and, so, he said, "All right."

Mancusi called, but my same friend--I said, "No, can't you get somebody else?" And he said, "No. I have to ask him." So, he came over and I said, "Well, I'm through now and we can leave." And he said, "Well, we can take care of that." And he left and he went back over to the leaders' table and talked to them for a while and I sat there chewing my nails. He came back and said, "Okay, doctor, you are all set." And as he

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1 walked me across the yard to the exit  
2 gate, he pulled the rug out from me by praising me,  
3 thanking me profusely for all of the beautiful work I  
4 had done and how they appreciated my efforts, which was  
5 completely opposite from his behavior a half hour pre-  
6 viously.

7 Q What significance did you attach to that?

8 A I think the entire tension in there and this  
9 man's attitude reflected emotional changes they were  
10 going through and when we came to the gate into the  
11 Tunnel, there was a group of half a dozen men guarding  
12 that gate and he said, "Okay, the doctor is ready to  
13 go."

14 The man in charge of this group said, "Who  
15 said so?"

16 And he said, "Well, I say so."

17 And he said, "Well, you have got no right to  
18 say this. It has got to be so and so that says that  
19 and he said, "Well, I just talked to him at the police  
20 table and he said that's no different."

21 He said, "You are not the one to make that  
22 decision, we decide that." So this man left and he  
23 went up to the leaders' table and he was up there for  
24 about five minutes. He finally came back and he said,  
25 "All right, so and so said it's all right for them to

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2 Then I went through the same rigamarole of  
3 being checked there and checked there and I finally  
4 got out, but as I left I thought very seriously that  
5 I was very glad that I hadn't promised them that I  
6 would come back because actually no one there needed  
7 medical care any more and the situation was getting  
8 so tense that despite their apparent good intentions  
9 toward me, I had no desire to go back in again.

10 Q You felt threatened?

11 A Yes.

12 Q What did you do after you left the yard Satur-  
13 day?

14 A I went back up to the commissioner's office  
15 and told them my impressions of what was happening and  
16 there was sort of a psychological deterioration taking  
17 place and all through the thing--basically I felt very  
18 sorry for these people. So many of them come from very  
19 undesirable types of backgrounds and they had always  
20 been rebelling against society they felt had never given  
21 them an equal chance at life and now they are rebelling  
22 against society in the only form they knew how to take,  
23 which was violence.

24 There seemed to be a battle for control.  
25 There were a group of moderates that were protecting

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1 the hostages and trying to guard

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2 them and arbitrate on an irrational basis and another  
3 group that was preaching violence all the time. Even  
4 on that Saturday there were threats hurled from the  
5 outside into the hostage circle and at one time the  
6 group came up and met threatening gestures with spears  
7 and things like this. This was an hour before I came  
8 in and they were afraid that they were going to be  
9 overrun at that time and the hostages were afraid that  
10 their guards would be overrun and they would be harmed  
11 at that time.

12 So, it seemed to me that the violent forces  
13 were gaining more and more control over the conser-  
14 vatives.

15 Q Did you report this to Commissioner Oswald?

16 A Yes. I don't know if I said it in speci-  
17 fically those terms, but I stated that there was  
18 markedly increased tension and that there was much  
19 more fighting going on between the men, much more  
20 argumentation, the security is much stricter and it  
21 was a peculiar thing that these people were fighting  
22 against a regimented society, a structured society  
23 that they felt the couldn't cope with and yet it was  
24 amazing in just this little three day period they set  
25 up an artificial structured society of their own that

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1 was absolutely tyranny. There was

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2 a very small group of men, I don't know the specific  
3 number, I suppose somewhere between 12 and 25, maybe,  
4 that were really running the whole show and they had  
5 their so-called security guards which were really  
6 their working officers and the rest of the men in the  
7 yard were just peasants. They really had no rights  
8 and no voice and no anything.

9 So, instead of this democracy where every-  
10 body had equal vote, they established a dictatorship  
11 of their own and it was amazing how fast it came  
12 about.

13 I guess it is a reflection of how thin the  
14 verneer of civilization is.

15 Q Did it occur to you that these men were model-  
16 ing their conduct after the conduct, as they received  
17 it, of their custodians? I'm talking about the script  
18 searches and matters like that.

19 A It may well be or may be that this is the  
20 way they see society as a whole. They felt very much  
21 the underdogs, I'm sure, and they felt that the people  
22 with money or the people with good positions or the  
23 people with prestige were the bosses and ran everything.  
24 Maybe this is the way that they felt all of life is. I  
25 think it was an interesting--I'm not a psychiatrist or

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1 a psychologist, so this is layman's  
2 speculation, I guess. I think there was a tremendous  
3 psychological effect of the way the negotiations were  
4 handled. I think that these people that are used to  
5 being confined in a situation like this and not having  
6 their voices heard are all of a sudden thrust on a  
7 national television screen and I think this had a tre-  
8 mendous effect. I think that they were--it wound up  
9 that they were all role playing; that the people at  
10 the level of security guards were playing their roles  
11 and now they had a definite job, they had a position  
12 of authority, minor though it was, and I think that  
13 the people that were actually leading the rebel pri-  
14 soners, I think they got in some way a bit of meglo-  
15 mania, where they saw themselves as people with tre-  
16 mendous importance and they thought--I think they got  
17 the idea that they could bring about vast changes for  
18 their people on the outside through the impact on this  
19 television screen and I think it got to the point  
20 where I don't think that any concessions would pro-  
21 bably preclude some demeanor. I think if things had  
22 to result in some violence in order to satisfy some  
23 of these things. I think they were strong enough to  
24 keep some people from accepting it. I think also  
25 that it is a crying shame that they did not accept

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1 the 28 points. I think that if they  
2 had been intelligent and rational enough to accept  
3 them they would have gone down in history as the 28  
4 points of Attica and probably would have brought about  
5 a drastic revolution in prison reform in this country.

6 Q Doctor, were you pumped for information by  
7 Commissioner Oswald and others when you came out of  
8 the prison yard?

9 A Yes. Not pumped. They didn't have to ex-  
10 ercise any coercion. I was very happy to tell him  
11 what I thought.

12 On Saturday night, of course, when I came  
13 out they were overjoyed to see me and I was overjoyed  
14 to see them and Mr. Douglas and Mr. O'Hara and Mr.  
15 Hurd, Mr. Duncan and Mr. Oswald, those, there were a  
16 great many people up there at the time and when I  
17 popped in the door they all stood up and welcomed me  
18 with broad smiles and handshakes and open arms.

19 They were happy to see me out. Then we talked  
20 and I couldn't talk or discuss anything with them as  
21 far as their viewpoints or what they had been talking  
22 about because I knew nothing about the negotiations. I  
23 was never told what they were thinking about at all.

24 All I did was tell them my impressions of  
25 what was happening in the yard and that night, as I

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1 have already stated all I could

2 tell them was that things were very tense and the pri-  
3 soners were having problems controlling themselves and  
4 their fellow brothers. That's about all I could tell  
5 them.

6 Q Did they express any concern about the effect  
7 that television coverage was having on the inmate nego-  
8 tiators?

9 A No.

10 Q Did they discuss with you the problem of ego  
11 tripping?

12 A No.

13 Q I take it that that's what you felt, that peo-  
14 ple that had been in confinement most of their lives  
15 were now reacting to freedom and publicity by ego tripping;  
16 am I correct?

17 A Very much so and I think an extension of this  
18 was the motley--oh, it isn't a very kind term, but the  
19 motely crew of observers they wound up with, having so  
20 many people from different walks of life and things,  
21 they couldn't begin to agree between themselves as to  
22 what was the proper conduct or what they were supposed  
23 to do.

24 I think that the negotiations would have pro-  
25 gressed much more rationally if they had been in a small

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1 think it was too bad that the situation was so diffi-  
2 cult that the prison officials could not go in and  
3 negotiate. I think they should have set up a mutual  
4 area, perhaps in the DMZ, where a few armed guards  
5 could come in with the negotiators from the one side  
6 and the prisoners could come up with their guards and  
7 with whatever weapons they chose so they would meet in  
8 a mutual area and it would be strictly between this  
9 small group, not necessarily all the prison officials  
10 representing the different walks of life, but not neces-  
11 sarily as many or as many they did have.

12  
13 MR. LIMAN: Mr. Chairman?

14 MR. McKAY: Dr. Hanson, am I correct in  
15 understanding that at the time you first went in  
16 on Thursday the prison officials did not have an  
17 entirely accurate account of what correction off-  
18 cers and civilian employees were in fact hostages?

19 THE WITNESS: That is quite correct  
20 and they asked me to see if I could ascertain  
21 the number. I tried to count three or four times  
22 but it was quite dark, then, and these forms were  
23 spread all different ways in this little compound  
24 and a couple of garbage cans were in the center  
25 that they were using as latrines. I tried to

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1 divide it in half and count 341  
2 the men on this side and the men on that side and  
3 I was trying to do it surreptitiously so the guards  
4 didn't see me, because if they saw me--

5 MR. McKAY: Do you think they would have  
6 objected if you had been identified as counting  
7 men?

8 THE WITNESS: At that time I didn't know  
9 I didn't care to tempt them.

10 MR. McKAY: Did you there or at any time  
11 seek to get the names of the hostages?

12 THE WITNESS: Yes. On Friday when I went  
13 in--it was fortunate I didn't get an accurate count  
14 on Thursday because on Thursday night there were  
15 37 there and 2 others had been up in D block hid-  
16 ing under a bed where they had been secreted by  
17 friendly prisoners. So, if I came out with a count  
18 of 37 and they knew there were 39--but on Friday  
19 there were 39.

20 MR. McKAY: Did you count them or did you  
21 get their names at that time?

22 THE WITNESS: I didn't get the names, but  
23 at this time the prison authorities had a list of  
24 their names because when I came in on Friday, I  
25 asked them if they had a list of the names and it

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1 was as though they thought I

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2 had a peculiar reaction. They asked me, "What do  
3 you want that for?" I said, "I don't have it.  
4 Maybe I could get it for you when I go in there."

5 MR. McKAY: You are the only doctor that  
6 went in there at any time during the disturbance?

7 THE WITNESS: That's right. I believe  
8 so.

9 MR. McKAY: Were there any doctors that  
10 volunteered their services?

11 THE WITNESS: Not to go in.

12 MR. McKAY: You must have known the doc-  
13 tors that were the medical personnel in the insti-  
14 tution.

15 THE WITNESS: Yes, for a long time.

16 MR. McKAY: Were they at all in evidence  
17 around the facility?

18 THE WITNESS: Yes. They were in the hos-  
19 pital itself.

20 MR. McKAY: All the time?

21 THE WITNESS: Every time I was there.

22 MR. McKAY: But they had not offered to  
23 go in the yard?

24 THE WITNESS: They wouldn't have dared.

25 MR. McKAY: Were the nurses about?

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1 THE WITNESS: Yes.

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2 MR. McKAY: So you got advices from doc-  
3 tors as to the condition of the particular in-  
4 mates and the need for medication?

5 THE WITNESS: When I went out, I would  
6 say, well, so and so is beginning medication for  
7 his heart and they would check through his records  
8 and they would say, yes, so and so and he would go  
9 out and bring in medication to leave a couple of  
10 days.

11 MR. McKAY: My last question is: when  
12 you went out on Saturday, intending not to return,  
13 I gather--

14 THE WITNESS: Yes.

15 MR. McKAY: Did you tell Commissioner  
16 Oswald that you would not return under any circum-  
17 stances?

18 THE WITNESS: No. I hadn't definitely  
19 decided it then. I was thinking about it and as  
20 I drove home that night I wondered what would hap-  
21 pen if they called me--and I wondered what I would  
22 stipulate to and how I would handle it. I thought  
23 it was mostly psychological reasons, since none  
24 of them really needed care. They were doing well.

25 MR. McKAY: Did they request at any time

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1 on Sunday that you come back?

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2 THE WITNESS: No.

3 MR. McKAY: So you never really had to  
4 face that question?

5 THE WITNESS: Fortunately.

6 MR. McKAY: Mrs. Wadsworth, have you any  
7 questions?

8 MRS. WADSWORTH: Yes, I have.

9 Dr. Hanson, I would like to ask you a  
10 question about community attitudes.

11 I believe you said at the beginning that  
12 you had never been--did you say inside or had never  
13 seen--

14 THE WITNESS: I had never seen the prison.

15 MRS. WADSWORTH: And Warsaw is how many  
16 miles did you say?

17 THE WITNESS: 15.

18 MRS. WADSWORTH: I would assume, then,  
19 that your position would reflect that of others in  
20 your area; that the prison exists really in rather  
21 a sole way, that it's by itself and rather ignored  
22 by the community; would this be a fair statement?

23 THE WITNESS: Probably not. That's not  
24 my home area. I had my surgical training in Buf-  
25 falo and came out to Warsaw 15 years ago. Warsaw

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1 is a little village, like

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2 Attica. In fact, a little smaller. I really had  
3 no reason to go into Attica. I think the only  
4 reason I had been in Attica was once when my son  
5 was playing in a junior baseball game or something  
6 like this. I had no occasion to go there. It  
7 wasn't on the way to Rochester or Buffalo.

8 MRS. WADSWORTH: It wasn't of interest  
9 or there would be no reason.

10 Do you think the occurrences of September  
11 would, in any way, interest more people in that  
12 area in being a part of this, of being volunteers,  
13 in playing some kind of role within the walls?

14 THE WITNESS: It might, if someone could  
15 come up with some constructive idea of what they  
16 could do in the wall. One thing that came about,  
17 I am happy to be chairman of the Wyoming County  
18 Library system and we have started a books by  
19 mail system, which is unique in the world as far  
20 as that goes and now it is spread all over New  
21 York State, but there were some doubts to our  
22 putting this into Attica, but we got a letter  
23 from one of the prisoners requesting this and  
24 we went ahead and now it's gone just be word of  
25 mouth and now we have something like 150 or 160

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2 our library just by mail.

3 MRS. WADSWORTH: I would like to simply  
4 commend you on your courage throughout this whole  
5 thing and I know you also have courage and leader-  
6 ship in the area of regional health planning. I  
7 am aware of what you are doing in Wyoming County  
8 and even in new deliveries of health service.  
9 Do you think it is a real thought that there could  
10 be some combination of the health maintenance  
11 combination of this kind of thing to tie it with  
12 Attica toward one of my thoughts of more openness,  
13 more people going in and out, more people feeling  
14 and understanding the prison; is there any way  
15 that the health services could perhaps be re-  
16 lated to our health maintenance organizations  
17 and the plans that you have in regional health  
18 planning?

19 THE WITNESS: In some way. I'm not sure  
20 at all in what specific mode this would take. At  
21 the present time a group of interested people in  
22 Attica, who asked us to come over and talk about  
23 building a clinic--they are having a fund raising  
24 drive right now, I believe, to build a little  
25 clinic, possibly for 2 or 3 doctors. In order to

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2 sicians into rural areas today you have to have  
3 something very specific to offer them, so in order  
4 for them to get such a facility going, although  
5 we are specialists at the hospital, we agreed to  
6 help them man it for perhaps a year and each one  
7 of us will go over there, perhaps an afternoon  
8 or evening or perhaps a day or a week or some-  
9 thing like this and share it until they get the  
10 thing going and hopefully in this time period  
11 they will find some young physicians who would  
12 like to come out to a going facility. Once you  
13 have a facility that is operating it is much  
14 easier to go out there. What the relation to  
15 the prison would be, this would have to be worked  
16 out.

17 MR. MCKAY: Mr. Henix.

18 MR. HENIX: Doctor, my question, I think,  
19 is very much along the same lines, but I would like  
20 to ask you how many people--like you say your prac-  
21 tice in Warsaw. How many people do you take care  
22 of in Warsaw or the hospital that you are associated  
23 with?

24 THE WITNESS: Well, we have quite a uni-  
25 que situation for a tiny village. The hospital is

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2 some 20 years ago, approximately, and it's quite  
3 a modern institution. We have 13 specialists that  
4 rent offices in the hospital itself and the gene-  
5 ral practitioners in the peripheral areas. The  
6 hospital bed count is probably about 150 or 60  
7 with another 20 beds and we recently built a long  
8 term unit for rehabilitation and nursing home  
9 care adjacent to it, which has 73 beds. The num-  
10 ber of patients in the hospital probably runs  
11 about 90% occupancy.

12 MR. HENIX: My reason for asking that  
13 question is my understanding there is--there were  
14 about 2200 inmates in this one little area.

15 THE WITNESS: Yes.

16 MR. HENIX: And yet still the facilities  
17 outside, because you did, I think, say that it  
18 would be very difficult to have--to single out  
19 those who have real physical problems and those  
20 who have psychological problems in this prison  
21 atmosphere and that it would be very difficult  
22 to give them adequate medical attention.

23 THE WITNESS: I didn't mean to state it  
24 quite that way, if I did. I said it is very dif-  
25 ficult to treat the psychological aspect of medi-

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2 this, because, as I say, the people are dying of  
3 boredom. They have nothing but time to think and  
4 fret and worry about their personal lives and the  
5 lives of their families and this kind of thing,  
6 but the problem is not so much differentiating  
7 physical from mental ailments, it is trying to  
8 treat the mental ailments.

9 MR. HENIX: So you would say their needs--  
10 all things considered and the conditions in which  
11 they are compelled to live under, these psycho-  
12 logical problems that you come up with, not being  
13 a psychiatrist or psychologist, there is a basis  
14 for?

15 THE WITNESS: Yes.

16 MR. HENIX: And if society could make  
17 it possible for a hospital at Warsaw to cover the  
18 needs of the community, I am wondering if it  
19 wouldn't be in your mind some way that a society  
20 could do the same thing within the institution  
21 itself. Like, I can imagine a man, like you said,  
22 who has nothing to do all day but be bored, worry  
23 about little feelings that he wouldn't normally  
24 worry about and the conditions that are brought  
25 about because of the situations in which he lived

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1 in needing more medical atten-

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2 tion than the institution can afford.

3 THE WITNESS: I think that--I think the  
4 physical facilities for the treatment for physical  
5 ailments at Attica is adequate. They have a num-  
6 ber of surgeries. They have about a 30 bed hos-  
7 pital there and the physical ailments--more so-  
8 phisticated care, more diagnostic studies could  
9 be moved to Warsaw or better, to Myer Memorial  
10 Hospital where they the facilities to treat these  
11 people. The treatment of the mental problems,  
12 you have a losing proposition in any facility  
13 structured such as Attica. I think this goes  
14 along the prison reform that has been written  
15 and talked about in so many years. These things  
16 are not rehabilitation centers, they are just  
17 places of incarceration. In order to treat the  
18 mental problems of these people, you have to es-  
19 tablish an environment for them to which they  
20 can react and relate to normal people in a more  
21 normal circumstance. I think that we have to  
22 get some half-way medium, such as it involves  
23 some drug education and drug work. I think you  
24 need something along the line of the Half-way  
25 Houses when we talk about the drug world, where

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1 they are incarcerated at night,

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2 but they have some normal relationships at night  
3 and certain people will have the right to go out  
4 and hold work--work during the day and come back  
5 in at night and this way be rehabilitated, but I  
6 don't think taking a group of 50 psychiatrists,  
7 psychologists, psychiatric social workers and  
8 all the others in this field and putting them  
9 in an institution would accomplish a thing.

10 MR. HENIX: I agree with you because  
11 you had spoke about a catastrophic state with  
12 these things that you observed and I have ob-  
13 served it in prison myself, that it really takes  
14 a very unusual person to have to imagine himself  
15 being there for 10, 15, maybe 12 years and not  
16 being completely psychologically just deprived  
17 in every way imaginable, but can you--then, am I  
18 to understand if you had to make a recommendation,  
19 a type of recommendation that you would make would  
20 be really to actually just bulldoze down this  
21 whole system and start from the beginning?

22 THE WITNESS: I don't think that Attica  
23 --I don't think that the prisoners were treated  
24 bad physically compared to a lot of prisons that  
25 are overcrowded. Their facilities were really

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1 fairly good. Every man had

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2 his own cell and had a radio and wash facilities  
3 and so forth. We received pictures of the Man-  
4 hattan House of Detention, where you have 3, 4  
5 men in a cell. They are there for a shorter  
6 period of time, but they are more crowded. But  
7 they had more recreational facilities and work  
8 facilities than a lot of institutions, too.

9 But the sheer boredom and the mental  
10 pressures on these people is just fantastic. I  
11 think the people that got out to work on the farm  
12 and got out in jobs like this would have a much  
13 better time, but you can't take care of the num-  
14 bers whole.

15 MR. HENIX: You did see the cell blocks  
16 in prisons travelling back and forth and were in  
17 the tunnel and we can talk about this as A block,  
18 B block, C block or whatever and the different  
19 time square area and all, but actually, even though  
20 it is above ground, these passageways--I think the  
21 proper description for them is tunnels. I actually  
22 get the feeling when I walked through them that I  
23 was under the ground some place.

24 THE WITNESS: Yes.

25 MR. HENIX: It is very dark and no real

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1 consideration has been given to

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2 the human need. I have also noticed that with  
3 the cell block itself it is a little cubicle where  
4 a man can lay down and take care of certain basic  
5 functions, but I have seen more adequate space  
6 allotted to animals in the zoo than we allow in our  
7 institutions, even if Attica has more recreational  
8 facilities, which, of course, is inadequate when  
9 you think of 2200 men.

10 THE WITNESS: Yes.

11 MR. HENIX: I don't really have any other  
12 questions along this line. Thank you.

13 MR. MCKAY: Bishop Broderick.

14 BISHOP BRODERICK: Doctor, I found your  
15 narrative very interesting, informative and elo-  
16 quent, in fact. Any question I have is just for  
17 my own information. I am not too clear on who  
18 invited you to come to Attica.

19 THE WITNESS: At noon Thursday the chief  
20 of staff called me up and said that there had been  
21 a request from Attica to go over there, would I  
22 come over and help. He said they needed help for  
23 people outside of the walls. I said certainly I  
24 would be happy to and then I did a double take  
25 and then I said, "What do you mean by outside the

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1 walls?" I said, "If there are  
2 people outside the walls, if they are hurt badly,  
3 tell them to go to a hospital and if they are not,  
4 tell them to get in a car or go to their doctor  
5 or to the hospital." I said, "You already have  
6 3 men going over, that's plenty." So, they sat  
7 outside the wall drinking coffee.

8 BISHOP BRODERICK: You didn't go?

9 THE WITNESS: No.

10 BISHOP BRODERICK: There was no question  
11 about professional ethics about going in?

12 THE WITNESS: Then later that evening they  
13 said that those men have been working hard all  
14 afternoon. I said, "What are they doing?" And he  
15 said, "I don't know, but they need relief." So, I  
16 went over to relieve them and it didn't make any  
17 sense to have all those--the choppers had gone over  
18 and seen them lying in this huddle, not knowing  
19 how badly hurt they were and second, to have 15  
20 or 20 emergency vehicles waiting outside the gate  
21 with all these people when I didn't know how long  
22 it was going to go on and that's what I thought  
23 somebody should try and do something, so that's  
24 when I just poked my nose in and tried to get in-  
25 side.

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1  
2 you mentioned, Doctor, the hospital, the prison  
3 hospital. I don't know the exact words, but you  
4 thought it was adequate, adequately--

5 THE WITNESS: I think the physical fa-  
6 cilities are adequate.

7 BISHOP BRODERICK: At no time did you  
8 come in with medication; you didn't bring any  
9 medication from Warsaw; did you?

10 THE WITNESS: No.

11 BISHOP BRODERICK: Did you notice any-  
12 thing about the blood supply there, the plasma;  
13 was it sufficient for the time?

14 THE WITNESS: This I'm a little puzzled  
15 about. There was so much on Monday after the  
16 takeover and on Tuesday there was so much publicity  
17 about the inadequate medical care over there, that  
18 they weren't getting adequate care. The chief of  
19 surgery at Myer Memorial Hospital is a personal  
20 friend of mine and he was called on that Monday  
21 when the takeover took place and they immediately  
22 immobilized a large team of some 12 doctors. They  
23 had a couple of professors of orthopedics from  
24 the University of Buffalo and some other surgical  
25 specialists and the team of nurses, the team of

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2 and they moved them all down to that position.  
3 They had a couple of fellows from Batavia in there,  
4 a couple of civil defense doctors, plus the regu-  
5 lar two prison doctors, so they had as many doc-  
6 tors as they could use on that Monday. The ser-  
7 iously injured men were immediately moved out and  
8 they received good medical care. The next day they  
9 had, I think there were 2300 on Monday, and on  
10 Tuesday there must have been 30 or 40 doctors in  
11 there. They were stepping all over each other and  
12 I never did understand why the prison officials  
13 made this known when they were asked by newsmen  
14 about what care was being given. Apparently what  
15 they told newsmen was they were getting care. They  
16 wouldn't elucidate. I was working on the hostages  
17 that were brought into our place on Monday, but a  
18 couple of fellows went over there to help and they  
19 were turned down by the doctors already in the hos-  
20 pital. They said, you know, we would love to use  
21 you, but we don't know what you would do, so they  
22 came back to Warsaw.

3 BISHOP BRODERICK: For my last question,  
4 are you the doctor author of that piece that ap-  
5 peared in the Sunday New York Times?

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1  
2 This came about because the media seemed to accent  
3 everything that the prisoners said. I am in accord  
4 with many of the greviances that the prisoners had  
5 and I am very sorry for them. I think there should  
6 be prison reforms and I don't it should be achieved  
7 by violent means, but there were so many hyper-  
8 volatile statements made by the prison spokesman  
9 that it wasn't giving a fair shake to the hostages  
10 and the hostages couldn't seem to have any way of  
11 getting their words back. Some of the people I  
12 was treating said, "Why don't you say something?"  
13 Finally they said, "Why don't you do something  
14 about it?"

15 I went around and interviewed most of  
16 the hostages and tried to make their views known  
17 as objectively as possible.

18 MR. MCKAY: Mr. Wilbanks?

19 MR. WILBANKS: Doctor, in reference to  
20 what I suppose is called the political structure  
21 of the yards, you mentioned moderate forces, vio-  
22 lent forces and conservative forces. You have any  
23 idea of the numbers in each of these groups?

24 THE WITNESS: Not really.

25 MR. WILBANKS: Were they separated along

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2 political groups? Younger inmates, black, white?

3 THE WITNESS: I think there was racism  
4 there among the prisoners. I don't have specific  
5 things to explain how I get that impression, but  
6 I have that impression. When I talked to the  
7 different people and they talked about their bro-  
8 thers, I think they were talking about black bro-  
9 thers and sometimes they said black brothers. I  
10 don't think that the more--many of the prisoners  
11 I talked to were strictly talking about themselves  
12 as blacks, they were not including the Puerto  
13 Ricans and the whites. This isn't very good re-  
14 porting because I really can't substantiate this  
15 on the grounds that I can demonstrate, but I  
16 got that impression from the way people behaved  
17 and talked.

18 MR. WILBANKS: Were any of these dif-  
19 ferent groups located physically in different  
20 parts?

21 In other words, was there a moderate  
22 group in this section of the prison yard and a  
23 violent force here; did you notice this type of  
24 thing or were they mixed around?

25 THE WITNESS: I think the activists were

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1 sort of over in this--where are

360

2 we? The activists were move up on the negotiat-  
3 ing half of the yard and I think the people that  
4 were--just the people, I think they were congre-  
5 gated more in this part of the yard, which would  
6 be the west side, but among the activists, I  
7 couldn't see any specific groups.

8 MR. WILBANKS: One final question. Some-  
9 one has commented to us that his impression of the  
10 yard was as if it were an Athenian democracy. Can  
11 I take it from your testimony that you don't agree  
12 with that?

13 THE WITNESS: I completely disagree.

14 MR. McKAY: Mr. Carter?

15 MR. CARTER: Doctor, you have made some  
16 statements here in terms of conclusions and obser-  
17 vations that you and I would agree that are en-  
18 tirely out of your field. I would like to probe  
19 that for a moment because it seems to me that some  
20 impressions are being given that you won't want to  
21 be given because I have the impression that some of  
22 the statements are based upon either lack of infor-  
23 mation or inadequate information.

24 THE WITNESS: It may well be.

25 MR. CARTER: You used the term the tyranny

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1 in regard to the political

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2 organization within the yard. I always attribute  
3 tyranny to being violent, mistreatment and so forth.  
4 You used the term also dictatorship can be benign  
5 and it can be, of course, hostile. Did you see any  
6 evidence of anyone being brutalized by anyone while  
7 you were there?

8 THE WITNESS: Well, numerous little things  
9 not where they got beaten, but they shoved somebody  
10 out of the way that--when they were making the  
11 rounds of the yard that first night, somebody came  
12 up and one of the men that was with me decided that  
13 his complaint was not valid and it was ridiculous  
14 and he gave him a shove and got him out of there.

15 MR. CARTER: That was medical; while you  
16 were going around making your medical rounds?

17 THE WITNESS: Yes.

18 MR. CARTER: And he was complaining about  
19 some medical problem?

20 THE WITNESS: Yes. He said, "Go away  
21 and do not bother the doctor about that." And  
22 the fellow insisted, so he just shoved him out  
23 of there.

24 On Saturday, it was in the corner by the  
25 medical aid tables, the name came up and he said

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1 that he had a man that had been  
2 injured by shrapnel.

3 MR. CARTER: By what?

4 THE WITNESS: By shrapnel. I said,  
5 "Shrapnel?"

6 They said, "Yes. Some correctional  
7 officers had been firing in there and that one  
8 of the bullets had ricocheted off the wall and  
9 hit him in the arm." And they said, "You will  
10 have to examine him through the window."

11 So, they brought him into the walkway  
12 here, into D tunnel and I was supposed to climb  
13 up the bars on the window to peer through the  
14 bars and look at this man's arm. So, I started  
15 to climb up and I said, "There is no way I can  
16 examine a man's arm adequately just looking through  
17 a window like that."

18 So, finally they agreed to bring him  
19 out and it was young, in his twenties, I would  
20 say, black man, kind of a nice looking youngster,  
21 and he came out escorted by 3 burly prisoners who  
22 were physically manhandling him and they brought  
23 him up to the table and they held up his arm for  
24 me to look at it, the shrapnel wound. There were  
25 a row of little indentations, about an inch and a

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1 half, two inches in length,  
2 and it looked to me like tooth bites. It looked  
3 to me like he had done this (indicating) to him-  
4 self. I looked at it and I said, "It isn't too  
5 much of an injury. It looks like it will be  
6 sore and take care of itself." I didn't want to  
7 commit myself as to what it was.

8 (Continued on page  
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1  
2 on it?"

3 I said "I certainly can." And I got  
4 some ointment from some of the men and smeared  
5 that on and told him that would make him feel  
6 better.

7 He left with his guard and they walked  
8 back a little ways, maybe 15, 20 feet back from  
9 the yard, leaving the door and a few minutes  
10 later I heard a lot of commotion and I looked  
11 over and somebody said something like "That's  
12 not GD shrapnel wound" and there was a lot of  
13 swearing and pretty soon they were threatening  
14 him and somebody wanted to do violence to him  
15 and somebody said "No, you can't do that. He  
16 is one of our brothers" and they were wrestling  
17 around and scraping and finally a couple or three  
18 of the men grabbed him and rushed him back here  
19 into security in the yard.

20 I have no idea why this man was a  
21 prisoner by the prisoners, but he was being  
22 manhandled and threatened.

23 MR. CARTER: Those are the two incidents  
24 that led you to conclude that there was tyranny and  
25 dictatorship?

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1  
2 of these security guards around the table and so  
3 forth, they were quite thoughtful in keeping  
4 people out. Even the fellow that was with me,  
5 who was some minor rank in the party, you might  
6 call it, when I came up to go through into talk  
7 to the people at the table, he started to go with  
8 me and the man just grabbed him and physically  
9 threw him out.  
10

11 MR. CARTER: When you were treating some  
12 of these people, were--did you have any evidence of  
13 any--at that point of complaints of people wanting  
14 to get out who were really unhappy about being in  
15 the situation that they were in?

16 THE WITNESS: No, I never did have. I  
17 doubt very much that under the circumstances they  
18 could tell me that.

19 MR. CARTER: Somebody was with you all  
20 the time?

21 THE WITNESS: There were all the security  
22 people with me. I did take one fellow out. For  
23 instance, an elderly man came out to me. This was  
24 out in the middle of the yard. I think it was on  
25 Friday night and he said that he had had ulcers in  
the past and that now he was doing a lot of bleeding

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24 out in the middle of the yard. I think it was on  
25 Friday night and he said that he had had ulcers in  
the past and that now he was doing a lot of bleeding

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1 by the rectum and, of course, this 366  
2 can be a hazardous thing, so I told him--I told  
3 the people there that I thought this man should  
4 go into the hospital to be checked. After some  
5 discussion they decided that was a wise thing.  
6 He was an elderly man and one of them felt that  
7 he shouldn't be out here anyway, he is too old.  
8 So, they had him taken to the DMZ and out to the  
9 prison hospital. When I got out, I went up and  
10 checked him and found out that his blood count and  
11 everything was all right and when I wanted to  
12 examine him, it turned out that the bleeding was  
13 just because he had become very constipated and  
14 he had a lot of rock hard stools in his bowels  
15 and he passed some of them and it cut a little  
16 tissue. A couple of times I suspected people  
17 were asking me to get them out when they complained  
18 of some things and I thought they were overdoing  
19 it and they kind of thought that I would send them  
20 to the hospital, but nobody asked me directly.

21 MR. CARTER: About the violent, moderate  
22 and conservative forces, the same kind of question  
23 Mr. Wilbanks asked you--did you get the idea about  
24 that from talking to various people, from your  
25 observations or from the fact that as you came in

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1 the yard on different days you felt 367  
2 an increased tension and your contact with whoever  
3 that man was who was hysterical and didn't make  
4 much sense; is that the basis upon which you--you  
5 got the feeling or is it just talking around with  
6 people?

7 THE WITNESS: It is very difficult to  
8 retrospectively analyze where you got your  
9 impressions and I thought back over this very  
10 same point because I made a lot of statements here  
11 that are my impressions. Somebody else might be  
12 in the same circumstances and come up with  
13 different impressions. All I can say is what my  
14 impressions are, and in trying to evaluate them  
15 and seeing how much is from talking to guards and  
16 hostages afterwards and talking to prisoners at  
17 the time and what I saw, what I read since, trying  
18 to separate all the things and give it an  
19 objective conclusion, it was very difficult for  
20 me. The overall impression was that there was  
21 violent elements and uncertain elements to use  
22 the phrase for differential and it seemed to me  
23 that the violent ones were becoming stronger.

24 They had--Saturday night they laid  
25 out the guard program around these hostages

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1 things very deeply and very intricately 368  
2 and you had to pass through them and move at  
3 each of those levels before you could get in,  
4 for instance.

5 I think they were aware that there was  
6 more disturbance going on, too.

7 MR. CARTER: More possible danger to  
8 the hostages?

9 THE WITNESS: Yes.

10 MR. CARTER: One final question. A lot  
11 of the--many of the prisoners--and a rather  
12 general complaint we have had has been medical  
13 care. You have indicated that a great deal of  
14 it is psychological by sheer boredom. Some of it  
15 is malingering. Some of them go to sick call,  
16 you indicated, I guess, to exchange with friends.  
17 Is that based upon what some of the doctors have  
18 told you or from your own observations in Attica  
19 at sick call and in terms of seeing what the  
20 prisoners actually do?

21 THE WITNESS: A combination of all. It  
22 is a combination of my past medical experiences  
23 in the army, dealing with large groups of men  
24 like this, my experience as a private practitioner  
25 in civilian life, because you see the same thing

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1 in civilian life as you do there, only 369  
2 in different proportions. A prisoner is only a  
3 microcosm of a society of itself and a proportion  
4 of the different aspects are just a little  
5 different. That's all.

6 One man came up to sick call and he was  
7 wearing--he was complaining of back pain and he  
8 said he always had back pains.

9 MR. CARTER: Was this in Attica?

10 THE WITNESS: Yes.

11 MR. CARTER: This was on one of your  
12 days?

13 THE WITNESS: He came up to the sick  
14 call table and said he needed some Darvon because  
15 he had back pain and to prove it he pulled up his  
16 shirt and he showed me a tailor brace. A Taylor  
17 brace. A Taylor brace is, oh, a device to support  
18 a weak or an injured back. Apparently this had  
19 been--he got this many years previously and the  
20 thing was so loose and ill-fitting I'm sure it  
21 performed absolutely no function at all. He used  
22 this as proof that he had a bad back.

23 He moved around very well and so forth.  
24 I watched him a little bit and this man subsequently,  
25 at the time of the take-over--this is hearsay again--

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1 he lost his brace and he--then when 370  
2 they opened up the gates and the men were to get  
3 up in the morning, it would take him many minutes  
4 to hobble outside of his cell, they had to hold  
5 up formation in that tier until he was able to  
6 get out into the line and so forth and they he  
7 would go into sick call. He sued the State  
8 for something for the brace, but that's immaterial.  
9 He was observed many other times.

10 One of my acquaintances watched him and  
11 he was very active at sick call, talking and  
12 standing up and moving around and discussing with  
13 his fellow inmates and then when it came time for  
14 him to move into the doctor's office, he promptly  
15 achieved a slump and waddled his way in.

16 One man came up to me in the middle of  
17 the yard--this was the first night I was there--  
18 with the incongruous demand that I examine him  
19 for a hernia, which didn't seem like a violent  
20 situation, but he was violent about the doctors  
21 at Attica because doctors at Sing Sing said he had  
22 a hernia and the doctors at Attica said he did  
23 not. I asked if I examined him and found that  
24 he didn't have a hernia also what would happen?  
25 But he wanted me to examine him and in the middle

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2 holding a flashlight, he dropped his pants and  
3 I checked him for a hernia. He had what we  
4 call a lymphoma of the cord. A lymphoma  
5 is a skinny piece of fatty tissue. You also get  
6 it down the cord. The external angling--you feel  
7 it around the ball. Sometimes it is very difficult  
8 to tell it apart from a hernia, but in his  
9 particular instance it was a classical case and  
10 it was a lymphoma. I tried to explain to him  
11 that he did not have a hernia, but he did have  
12 a lymphoma and sometimes, if these things got  
13 big and painful enough you did have it removed,  
14 but he shouldn't worry about a continually large  
15 hernia, but I'm sure he didn't get anything out  
16 of the fact that I said, except that he had  
17 something there that should have been done before.

18 MR. McKAY: Mr. Rothschild?

19 MR. ROTHSCHILD: Just one question,  
20 doctor.

21 I guess really that you spent more time  
22 in the yard than anyone else during this whole  
23 performance except the inmates and hostages.  
24 I don't know if that's a fact, but it's close  
25 thereto. I think you had an objectivity and a

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1 thoughtfulfulness and a curicsity. Now, 372  
2 you mentioned two things in your discussion.  
3 One is that the 28 demands you wished that the  
4 inmates had effected and secondly that you  
5 sensed in some cases a kind of Gotterdammerung  
6 like desire for a forcible reduction  
7 of the uprising on the part of some of the  
8 inmates. One of the things this Commission, I  
9 think, and the public, too--one of the problems  
10 there are a number that we really hopefully will  
11 come to some conclusions about, is opinions as  
12 to whether, in fact, there were other options  
13 available to end this uprising. Recognizing  
14 it's your opinion, I happen to think that you  
15 probably saw more than anybody else on which to  
16 base an opinion. Is it your impression that  
17 there were other options at the time that the end  
18 came to other than the ones that were taken?

19 THE WITNESS: No.

20 MR. ROTHSCHILD: Thank you.

21 THE WITNESS: The motive force could  
22 possibly vary. This I won't comment on, but I  
23 think there has to be force.

24 MR. MCKAY: Dr. Hanson, I think that  
25 you are aware that you have an opportunity to

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1 make a statement of your own, if you 373  
2 wish, at this time. Is there something you would  
3 like to report to us?

4 THE WITNESS: No. I think I have done  
5 probably too much talking already.

6 MR. McKAY: Certainly not too much and we  
7 are grateful for your being with us.

8 Thank you.

9 MR. LIMAN: Lt. Maroney.

10 L T . R I C H A R D M A R O N E Y , after having  
11 been first duly sworn by Mr. McKay was examined  
12 and testified as follows:

13 MR. BENENSON: May I state for the record  
14 that Lt. Maroney is accompanied by counsel, Mark K.  
15 Benenson, from Murray A. Gordon, P.C.

16 EXAMINATION BY MR. LIMAN:

17 Q Lt. Maroney, you were a lieutenant at Attica?

18 A Yes, sir, I was.

19 Q How long were you at Attica?

20 A Approximately 10 years.

21 Q When did you leave duty at Attica?

22 A October 27 or 28 officially.

23 Q When was the last day you worked at Attica?

24 A September the 9th. The first day of the riot.

25 Q How long, lieutenant, have you been in the

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A Approximately 34 years.

Q How many of those 34 years did you spend at Attica?

A I was appointed first at Attica April--excuse me. February 14, 1938. I went in the military service on December 1, 1942. I returned to Attica December 1, 1945. I transferred to Elmira Reformatory on April 16, 1946. I returned to Attica October 1, 1955 as a sergeant. I was promoted to lieutenant at "Squegee" April 13, 1961 and I returned back to Attica one year later.

Q You retired in October?

A October 27 or 29, one of those dates, I forgot which.

Q How old are you?

A 61 now.

Q Now, lieutenant, were you in A yard at approximately 3:00 p.m. on Wednesday, September 8?

A No. Not 3:00 p.m.

Q At what time, lieutenant?

A Well, approximately 4:00.

Q 4:00.

And would you tell us what happened as you perceived it?

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1 A To the best of my knowledge?

2 Q Yes.

3 A I was coming down A corridor and I stopped  
4 to bid goodbye to a certain officer that was going to  
5 retire, and I stepped out into the yard to the door  
6 and on the platform there was an officer calling out  
7 over the mike to two inmates to stop it.

8 So, I looked over and it looked like they were  
9 fighting. So, I called to the officer to speak in a  
10 louder voice so he would make sure they hear it, which  
11 he did, and they did not stop it. I motioned to the  
12 officer on the toilet to go over and tell them to stop.  
13 The officer walked over to where they were and they did  
14 stop for a few seconds, but as soon as he turned his  
15 back and he walked back to his post, they started in  
16 again.

17 Q When you say fighting, what do you mean?

18 A They were either fighting or fooling. I  
19 presume it to be fighting.

20 Q That was your interpretation?

21 A That was my interpretation because at that  
22 distance, even if they were fooling, we couldn't tell  
23 the difference.

24 MR. LIMAN: Mr. Rossbacher, could you  
25 to up to the map--or perhaps lieutenant, you

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2 could use the pointer and show where

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3 you were and where the inmates were.

4 A There I was (indicating) and there were the  
5 inmates, approximately over here (indicating).

6 Q Would you continue.

7 A Yes.

8 The inmates went back to tussling and sparring  
9 and one of them knocked the other down. So, just at  
10 that time another officer stepped out into the yard  
11 and I told him to go down to the toilet area and get  
12 that officer and go over and bring those two inmates  
13 to me.

14 I was going to, you know, ball them out a little  
15 bit and turn them loose if they were fooling. If they  
16 fighting, why, we would have to take them into custody.

17 Q How would you have ascertained whether they  
18 were fooling or fighting?

19 A From that distance you cannot hardly tell.

20 Q But you say you would have turned them  
21 loose if they were only fooling?

22 How were you going to make that determination?

23 A That was my--that was my determination to  
24 make it. That was my object to make it. I have  
25 enough experience to tell that, whether they were  
fooling or fighting.

---

2 A Yes. Asking them or by observing. So, these  
3 two officers started over to them and approached the  
4 two inmates and they did stop what they were doing  
5 and it took a few seconds or a couple of minutes for  
6 them to make up their minds to come over to me.

7 Very reluctantly they came over, slow-poking  
8 along. And instead of going ahead of the officer,  
9 which is the usual procedure, they followed the  
10 officers over.

11 Q Were these inmates black or white?

12 A They were both black. When they got in  
13 front of me at the steps and I asked them what was  
14 going on, they said they were just fooling around.

15 I said "You had enough time to stop, so you  
16 better go to your cells."

17 Q Were you keeplocking them?

18 A Yes. Because in my opinion they deserved  
19 it because they had practically refused to go along  
20 and they were taking their time.

21 Q That was your--you had the discretion, I  
22 take it, lieutenant, to determine whether to send  
23 them to their cells and keeplock them or to leave  
24 them in the yard?

25 A Yes.

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1 Q And you were the highest ranking 378  
2 officer in the yard at that time?  
3

4 A At that time.

5 Q What happened after you asked them to go  
6 into--

7 A I asked them to go inside and one of them  
8 took off, got lost in the crowd, which was gathering  
9 about that time and I told the other one, Dewar there,  
10 Dewar--

11 Q I would prefer if you did not use names.

12 A All right. I told the other man, the second  
13 man who stayed there to go inside and he refused. So,  
14 I stepped down and I just was going to put my hands on  
15 him, the flat of my hand, like that, and kind of edge  
16 him in, which sometimes it works, 9 times out of 10 it  
17 works to kind of ease them in a little bit. Well, he  
18 hit me on the chest and took off. He either danced  
19 away or walked away for a few steps, maybe 15 or 20  
20 steps.

21 Q When you say he hit you on the chest, was  
22 it a glancing type of blow?

23 A No. It was a direct blow.

24 Q How big was Mr.--this inmate?

25 A He was about as tall as I am. Not quite as  
heavy. He was a young fellow. I followed him down

1 wherever he was on the sidewalk, 15 or 20 379

2 feet and I asked him to go in again.

3 Q Now, it was a more serious offense, was it  
4 not, in your eyes?

5 A Then he hit me again and he went off into  
6 the ballfield and I followed him out there, which we  
7 were quickly surrounded out there.

8 Q Show us where the ballfield is.

9 A It was this ballfield here (indicating) and  
10 approximately we were out here around second base  
11 (indicating), I think, at that time, in that area. So  
12 we were quickly surrounded out there.

13 Q By how many inmates?

14 A Oh, approximately 2, 300. I wouldn't dare  
15 say. Quite a crowd. At least 200. And I tried to  
16 persuade this man to go in and he kept refusing to go  
17 in and his friends surrounded him.

18 Q When you say you tried to persuade him to go  
19 in, what did you say?

20 A Well, I said "Why don't you go in and save  
21 yourself some trouble?"

22 Q What kind of penalty is there for hitting a  
23 lieutenant?

24 A Well, I imagine probably it's an HBZ  
25 offense. That means segregation.

2 recent years at Attica?

3 A Not in recent years, no, no.

4 Q Was there any expression by the inmates in  
5 this circle that if he went in, that he might be  
6 better for people saying things like that?

7 A Yes, they were. There were explanations.

8 Q Like what?

9 A That you are going to beat him up, that you  
10 are going to work him over. I said, "No, it has nothing  
11 to do about that at all."

12 I said, "If you want to, you can send one of you  
13 men in with us for an escort, if you wish", but this  
14 other man absolutely refused to go.

15 Q What happened then?

16 A Well, we thought it over and I see it was  
17 useless--

18 Q Who's we?

19 A Lieutenant Curtis and I.

20 Q When did Lieutenant Curtis arrive on the scene?

21 A Oh, about--as soon as I was surrounded out  
22 there. He also tried to persuade this man to go in.

23 Q What did Lieutenant Curtis say?

24 A Well, he said "Let's forget about it for a  
25 while."

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1 Q Did any of the--he said, "Let's

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2 forget about it--" those were his words?

3 A Practically his words, yes, sir.

4 Q Did he give assurance that the inmate would  
5 not be struck?

6 A I think he did, yes.

7 Q Did he give any assurance or make any state-  
8 ment that the inmate would not be sent to HBZ if he  
9 went in voluntarily at this point?

10 A I sort of doubt that. I don't believe he  
11 can give assurance on that. I could not.

12 Q Who would that be up to?

13 A It is up to the deputy superintendent.

14 Q Who was the deputy superintendent at that  
15 time?

16 A Mr. Vincent.

17 Q Now, what happened after your efforts to  
18 persuade the inmate to go in had failed?

19 A Well, there were all kinds of noises around  
20 there and one of the explanations was that if you do  
21 any harm or if you lock this man up, there will be  
22 another San Francisco here tomorrow.

23 Now, I didn't know what they meant by that,  
24 whether they meant the San Francisco earthquake or  
25 San Francisco fire or whether they meant that recent

which was recent at that time. But I paid it no mind.

I talked to a black inmate there and conferred with him, which I had been close to for a few years, and I assured him if this man had gone in, there would have been no brutality or anything and he tried to talk to this man to go into a cell, but to no avail. So I just walked off the field, went back on the steps.

In a few seconds I think I might have stepped out in the corridor and then came back in again. In a few seconds this inmate came back over to me, which I conferred with in the yard and he asked to speak to me in the corridor, saying he had always been able to talk to me and he felt confident in me and we stepped down the corridor by ourselves for a couple of minutes. He asked me what would happen if this man had gone into a cell peacefully. I said if he had gone in without hitting me, there probably wouldn't have been much to it, we probably would have held court on him with possibly a reprimand with one or two days in his cell. But now it was out of my hands, it has to be turned over to the deputy superintendent for what we call a superintendent's hearing and nobody above a rank of lieutenant or captain can hold superintendent's hearings.

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Q What did you do after that?

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2 A Well, this inmate and I, we conferred there  
3 a couple of minutes and then we shook hands and then  
4 we went out into the rec yard, A yard, and I went  
5 down and reported the incident to Mr. Vincent.

6 Q Mr. Vincent, as you mentioned before, was a  
7 deputy superintendent?

8 A Yes, sir.

9 Q Had you ever, in your years at Attica,  
10 backed off as you had done here, not taken an  
11 inmate when you wanted to?

12 A I can't recall it, no.

13 Q This was an unusual situation?

14 A Unusual situation.

15 Q Now, you spoke to the deputy superintendent  
16 Vincent and what did you say to him and what did he say  
17 to you?

18 A I told him just what occurred and what he  
19 told me was he said "Wait until you get back from  
20 supper and then take him to HBZ.

21 Q Did you explain to the deputy superintendent  
22 that any threats had been uttered if you took this man  
23 to HBZ?

24 A Yes.

25 Q Did you explain to him that inmates were

---

2 apprehensive that this man would be beaten

3 if he were taken to HBZ?

4 A Yes. Yes, I did.

5 Q Had you, in your years at Attica, become  
6 aware that inmates are apprehensive about being  
7 beaten in the elevator on the way to HBZ; had you  
8 heard those stories?

9 A Well, I have always heard those stories  
10 at Attica, but I never actually seen one and I have  
11 taken prisoners to segregation.

12 Q But you knew that inmates were apprehensive  
13 that this would happen; that they told--that these  
14 stories were repeated?

15 A As a general rule, I don't think they were  
16 apprehensive. I don't think the vast majority of them  
17 did fear it.

18 Q But others did?

19 A A few, they might have.

20 Q Now, you said that a deputy superintendent  
21 said that you should take the men to dinner and then  
22 take the inmate to HBZ after dinner.

23 A Yes, sir.

24 Q Did he say anything in your presence about  
25 taking another inmate, a white inmate to HBZ?

A No, he did not.

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2 from 5 company was taken to HBZ?

3  
4 A At the time he went, I did not know.

5 Q Well, I am asking you at the time he went,  
6 really. Did you see that inmate do anything to you  
7 or say anything to you that would warrant HBZ?

8 A No.

9 Q Now, you took--when the companies were taken  
10 to dinner and then what happened?

11 A Well, after they were locked, the count was  
12 taken. I picked up some help, some officers and went  
13 up to this inmate's cell.

14 Q Now, that was in 3 company?

15 A 3, yes.

16 Q When you say this inmate, you are talking  
17 about the inmate with whom you had had the confrontation  
18 in the yard? The black inmate?

19 A Right.

20 Q Now, how did you select the officers to go  
21 with you?

22 A Well, I selected some pretty level headed  
23 fellows, Cusky (phonetic), fellows I knew would hold  
24 their head.

25 Q Did you expect trouble in removing them to  
HBZ?

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2 A Well, we always expect trouble in

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3 prison. You expect it everyday.

4 Q But do you expect trouble in particular in  
5 taking an inmate to HBZ?

6 A Oh, sometimes we have trouble and sometimes  
7 not.

8 Q What kind of trouble do you have when you say  
9 you have trouble sometimes?

10 A Well, some of them resisted.

11 Q And when somebody resists, what do you do?

12 A We subdue him.

13 Q With your clubs?

14 A No. I had given orders to these officers  
15 when they went with me to leave their caps on the  
16 window ledge or someplace and also not to bring our  
17 clubs with us.

18 Q What did you do when you went to 3 company?

19 A We walked down to this inmate's cell in  
20 front of in and told him that he had to go to HBZ  
21 and for him to come out, which he said he would at  
22 that time. So, I gave the signal to the officer at  
23 the head of the gallery to unlock his cell door.

24 Q How many men were with you when you spoke  
25 to the inmate who said he would come out?

A Two officers and myself.

1 Q You say that none of them had  
2 clubs?

3 A No.

4 Q Was that unusual?

5 A That's unusual, but I quite often do it  
6 because in my opinion sometimes clubs are just a  
7 nuisance and besides, I don't want anybody to use a  
8 club unnecessarily.

9 Q What happened after you gave the signal  
10 to the officer to open this inmate's cell?

11 A This inmate--I told him to come out and he  
12 said he would if he could go over on the other gallery  
13 and visit with somebody first.

14 Q Did he say he wanted to return some books  
15 to that man?

16 A Some books, yes, that might have been it.  
17 Yes. That might have been it.

18 Q What did you say?

19 A I said no.

20 Q Why did you say no?

21 A Because that's not proper procedure.

22 Q Did you think he was trying to stall?

23 A I thought, at that time, he was probably  
24 trying to pass the word or deliver a message.

25 Q What happened after the inmate said that he

1 would go on if he could return books or

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2 talk to a friend?

3 A I told him to come out and then he refused  
4 to come out. He said "No" and he picked up a stool,  
5 one of those heavy cell stolls, four legged stolls.

6 Q What did you do then?

7 A I told the officer to go in and get him.

8 Q How many officers were there with you then?

9 A Two officers and myself.

10 Q What happened?

11 A We subdued him.

12 Q How did you subdue him?

13 A We wrasstled him to the floor onto the bed.

14 Q Was there much noise?

15 A Well, there is always noise because the cells  
16 are steel. There is that steel stool in there and a  
17 metal locker, they make noise, and the bed makes a  
18 noise when it is shoved around.

19 Q How did you get the stool out of his hands?

20 A We knocked it out. The first officer knocked  
21 it out.

22 Q How long did this process take?

23 A Well, I don't know. It seemed like a long  
24 time. It might have been only a minute or two.

25 Q How many blows were thrown?

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Q What happened after that?

A Another officer came down the gallery and reached in and brought the steel locker out, that metal locker. It is a short locker, about as high as this table.

Q Why did he bring that out?

A Because it gets in your way when you struggle.

Q Was the inmate still struggling?

A He was struggling, yes.

Q On the ground?

A No.

Q How many correction officers were holding him at this point?

A Just the two correction officers and myself.

Q Was the inmate yelling?

A Yes.

Q What was he saying?

A Oh, I don't know. He was cursing us or hollering at us.

Q Were there other officers present?

A Yes.

Q Were the other inmates locked in their cells?

A They were locked in.

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2 don't have a view of what's going on in somebody  
3 else's cell?

4 A They do not, no. No.

5 Q Was anything said to those inmates so that  
6 they would know what was going on, other than what  
7 that inmate was yelling?

8 A Not that I know of, but they could have  
9 overheard us.

10 Q What happened after this?

11 A Well, we struggled with him and we got a  
12 hold of him and calmed him down and we pulled him out  
13 through the door, carried him out through the door.

14 Q How did you carry him?

15 A I took a hold of his feet. One officer took  
16 a hold of one of his arms and the other officer took a  
17 hold of his other arm.

18 Q So there were three of you carrying him?

19 A Yes. We carried him. We did not drag him.

20 Q When you picked him up to carry him, did  
21 he go limp?

22 A No. He struggled all the time.

23 Q Were his eyes closed?

24 A I beg your pardon?

25 Q Could you see whether his eyes were closed?

2 were wide open. They were rolling back and forth.

3 Q Now, did you carry him down the gallery?

4 A We carried him. I made sure he was carried  
5 and off the floor and by that time, by the time we  
6 got him out of his cell, the fourth officer that had  
7 helped take the locker out of the cell, he took a  
8 hold of the other foot.

9 Q Was the inmate still yelling?

10 A Yes.

11 Q What was he yelling? Was he yelling that  
12 he was being beaten?

13 A Obscenities or something like that.

14 Q Was he also yelling that he was being  
15 beaten; do you recall?

16 A I don't recall.

17 Q Now, what did you do with the inmate as you  
18 were carrying him out; where did you take him?

19 A We carried him up the head of the gallery  
20 and down the stairs.

21 Q Three of you or by now were there four?

22 A Four.

23 Q When did you get another officer to assist  
24 you?

25 A The fourth man?

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2 Q Yes.

3 A As soon as we carried him out of his cell.

4 Q So that you have now four officers, one on  
5 each leg and one on each arm?

6 A Right.

7 Q Did you remain carrying him?

8 A Yes. Until we got him downstairs in the hall.

9 Q Then what happened?

10 A Another officer took my place and I walked  
11 along with him to make sure there was no force or  
12 anything used, to make sure he wasn't dragged.

13 Q Was he being struck or nudged or prodded?

14 A Not one bit.

15 Q Was he bruised?

16 A No.

17 Q Not from the scuffle in the cell?

18 A No. He couldn't have been.

19 Q Well, there was some force used than just  
20 subduing him?

21 A We have a right to use any force to subdue a  
22 man.

23 Q But in using that force was he bruised at  
24 all?

25 A He was examined afterwards. I understand  
he was examined afterwards and nothing wrong was

1 found with him.

2 Q What did you do with them--how did you get  
3 him to HBZ?

4 A We carried him.

5 Q Did you carry him all the way?

6 A All the way. He would not walk. We gave  
7 him the option of walking twice. He would not walk.  
8 He kept struggling. Usually when we start carrying  
9 a man we give him the option to start walking and  
10 sometimes he will get up and walk.

11 Q What was happening in the gallery as you  
12 were carrying him?

13 A Oh, there was noises there, the usual noises  
14 in the prison, which we work with day by day and we  
15 don't pay it no mind or try to record it in our  
16 memory. It is usually prison noise. Cursing and  
17 yelling and hooting and hollering and cursing at the  
18 officers. That goes on all the time.

19 Q Now, you took him to HBZ or the box?

20 A Yes, sir.

21 Q Did you stay with him at all times?

22 A Yes, sir. Right up to the time they put  
23 him in his cell.

24 Q What kind of a cell was he put into in the  
25 box?  
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Q What did that have?

A What did that have? It had a mattress.

Q Did it have any other furniture?

A I can't recall right now, but I think it was the only cell available at that time.

Q Did that inmate continue struggling all the way up to HBZ?

A Yes.

Q How did he struggle?

A He would move around and try to break loose, pull his legs. He would pull one leg and pull the other. He would pull one and then pull the other.

Q Now, when you got him to the box, you then left?

A As soon as we closed the cell door and reported to the two officers that were working there.

Q Did you have anything to do with removing the other inmate from 5 company to the box?

A Nothing. Nothing.

Q Did you even know he was being taken to the box?

A I did not know it until I met him in the corridor on the way back.

Q How was he being escorted to the box?

2 of each arm, but he was struggling, but he was walking.

3 Q Was any supervisory official with him?

4 A Yes, there was.

5 Q What rank?

6 A Sergeant.

7 Q Did you then return to 3 company after you  
8 had removed this inmate and brought him to the box?

9 A No, I did not.

10 Q Do you know whether anybody at Attica gave a  
11 report to the inmates in 3 company of the condition of  
12 the man you had removed?

13 A I do not know whether they did or not,  
14 except from hearsay.

15 Q And I'm talking about as of September 8.

16 A 8.

17 Q Wednesday night.

18 A I can't say that they did, unless--except  
19 by hearsay, that the two regular officers that are  
20 assigned to that block had told the inmates on that  
21 gallery that everything was okay, that nobody got  
22 beat up.

23 Q Now, no inmate--you mentioned before that  
24 you had offered this inmate some inmate escort or  
25 observers if he would go in to his cell when you first

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2 A Yes.

3 Q Was any offer made of having inmates escort  
4 you to the box when you took this man?

5 A No. There was not.

6 Q Do you know whether or not that practice  
7 has ever been followed at Attica of having inmate  
8 escorts on trips to the box?

9 A No. It is not prison procedure.

10 Q Do you think--and I am asking you an opinion  
11 question in view of the apprehension on part of some  
12 inmates that inmates are beaten on the way to the box  
13 that it might be a good idea to have inmates form an  
14 escort?

15 A In the future?

16 Q Yes, sir.

17 A I don't especially approve of inmates, but if  
18 you had an impartial observer like somebody has proposed  
19 here during the winter, that might be a good idea.

20 Q When you say you don't approve of inmates,  
21 what do you mean?

22 A Acting as escorts.

23 Q But you were willing to have them act as  
24 escorts earlier that day?

25 A Because that fitted the situation. In my

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1 experience, I believe that might of

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2 solved the problem right there, but after this certain  
3 inmate had his opportunity to go in peacefully, I  
4 think it was up to the prison official to handle.

5 Q Now, were you apprehensive that night about  
6 what the repercussions might be from these incidents?

7 A Yes. I had been apprehensive for the last  
8 year or so before that.

9 Q Were you more apprehensive as a result of  
10 the activities of that night?

11 A I certainly was.

12 Q Did you report that to the superintendent?

13 A Not directly, no. I reported to the deputy  
14 superintendent verbally.

15 Q Mr. Vincent?

16 A Yes.

17 Q Lieutenant, were additional men held over  
18 that night at all?

19 A Well, everybody who was on duty that night  
20 stayed over for a while. That was the closing count.  
21 The 6:00 count was the closing count that night.

22 Q Why did you hold men over that night?

23 A Well, some of them had to make out reports  
24 about the incident.

25 Q Did you also hold them over because you wanted

2 after the man was put in the box?

3 A Well, that's the usual procedure, yes.

4 Q You were concerned?

5 A We were concerned. For some time we have  
6 all been concerned about this trouble that was  
7 brewing in the prison. You could feel it in the air.  
8 Anybody who works in a prison or an institution can  
9 feel things like that in the air. You knew something  
10 was brewing. They were all apprehensive. But you  
11 can't tell when it was going to happen. Every night  
12 we expected it.

13 Q Were any precautions taken with respect to  
14 the following morning?

15 A Not that I know of. I was due to go in at  
16 10:00 that morning and I don't know of any precautions  
17 offhand that was supposed to have been taken.

18 Q Did anybody ask you to come in early?

19 A No.

20 Q Was there any discussion that night about  
21 keeping the 12 to 8 shift over late?

22 A Not that I know of. Not that I know of.

23 Q Did you receive a report before you left the  
24 prison that night that an inmate had been--that, rather,  
25 an officer had been struck by a can?

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2 about it.

3 Q Were any decisions made with respect to  
4 what to do with the inmate who threw the can?

5 A No. Not that I know of, unless it was this  
6 man--the second man who went to HBZ, unless it was  
7 him. I presumed it was him.

8 Q You didn't know?

9 A I did not know for sure, no, because I was  
10 concerned about my own problems at that time.

11 Q And nobody told you that a third inmate, apart  
12 from the first two, was ordered to be keeplocked the  
13 next morning?

14 A I can't recall that, no. I'm sorry.

15 Q Now, you said that you were supposed to report  
16 for duty at 10:00 a.m.

17 A 10:00 a.m., yes, sir.

18 Q When did you actually arrive at Attica?

19 A Approximately 9:30.

20 Q Did you hear the whistle?

21 A The reason I heard the whistle--I had the air-  
22 conditioner on for about three days and I did not hear it  
23 right away and I told my wife there I was going to go in  
24 a few minutes early to catch up on the details, see what  
25 was brewing, and then I stepped out the back door and I

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2 to my wife, I said "This is it, I guess." So, I went  
3 back in and I left my watch and ring home. I carry  
4 very little money with me anyway, 15 or 20 cents, just  
5 enough for lunch, so I knew what was going on the way  
6 the whistle was blowing, so I drove right to work. I  
7 usually get there a few minutes ahead of time anyway.

8 Q Lieutenant, were you the senior lieutenant  
9 at Attica?

10 A Yes, I was.

11 Q Now, you mentioned that you left your watch  
12 and money home and I have heard that from a number of  
13 officers who said that they were leaving watches and  
14 money home prior to September 9. Was anything being  
15 done by correction officers in the way of preparation  
16 against a disturbance or a riot training other than to  
17 leave watches and wallets home, lieutenant?

18 A That's about all a correction officer can do.  
19 Unless he gets a proper backing and help, the correction  
20 officer can't do much. Because he is outnumbered so  
21 much that he can be overpowered quickly, an ordinary  
22 correction officer can.

23 Q At any time?

24 A At practically any time.

25 MR. LIMAN: I think that we will break

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for lunch now and we can resume at

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2:00.

MR. McKAY: The hearings will now recess  
till 2:00.

(A luncheon recess was taken at 12:40 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK )  
:  
COUNTY OF NEW YORK)

I, RICHARD GREENSPAN, a Shorthand Reporter  
and Notary Public within and for the State of  
New York, do hereby certify:

That I reported the continued proceedings  
in the within entitled matter (pages 269-401)  
and that the within transcript is a true record  
of said proceedings.

I further certify that I am not related to  
any of the parties to this action by blood or  
marriage; and that I am in no way interested in  
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my  
hand this 12 day of April, 1972.



RICHARD GREENSPAN