

1 about his viewpoint and about

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2 how, even though he came to the yard by following  
3 a crowd, by the end he felt that he was there by  
4 choice.

5 Today we have another witness, an inmate  
6 at Attica, who will tell his prospective on the  
7 events in the yard. This is Mr. Francis Huen,  
8 who will be examined by Judge Willis.

9 F R A N C I S J O S E P H H U E N, was sworn  
10 by Mr. McKay and testified as follows:

11 MR. WILLIS: Before beginning with Mr.  
12 Huen, I would like to say that in our investiga-  
13 tion we were assisted by some very fine young  
14 people and Mr. David Parker, sitting to my right,  
15 next to Mr. Liman is a law student at Yale Law  
16 School and was extremely helpful in preparing  
17 Mr. Huen for coming here.

18 EXAMINATION BY MR. WILLIS:

19 Q Mr. Huen, how old are you, sir?

20 A I will be 36 in August.

21 Q Where were you born, sir?

22 A Yonkers, New York.

23 Q What is your education?

24 A Eighth grade.

25 Q Are you married?

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1 A No, sir.

2 Q Presently you are an inmate at Attica, al-  
3 though presently, for purposes of this hearing, I  
4 understand that you are being held up in Ossining,  
5 New York; is that right?

6 A That's true.

7 Q When did you go to Attica?

8 A September 1, 1970.

9 Q What was the offense you were convicted of  
10 and the term that you were sentenced to?

11 A Well, I was sentenced to concurrent terms of  
12 20 years and 7 years, which because of jail time stipu-  
13 lations, will actually be 22 years and I was sentenced  
14 for third degree robbery and second degree robbery.

15 Q Now, is this the first time you have been in  
16 a correctional institution in New York State?

17 A No, sir. I was arrested in 1952 and I was  
18 ultimately sentenced to Coxsackie Reformatory.

19 Q When, Mr. Huen, will you be eligible for  
20 parole?

21 A I will be eligible for parole in, I believe,  
22 August 1976.

23 Q Where were you locked in at the time of the  
24 September incident, during that time?

25 A I was locked in A block, 6th company.

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1 Q Where are you presently  
2 locked in?

3 A In C block, 35 company.

4 Q In another area. We will get back to--be-  
5 tween those two times, were you locked in any other  
6 part of the prison?

7 A Oh, I definitely was. Immediately following  
8 the riot, in fact September 13, I was placed in HBZ,  
9 or the box, as it is usually called and I was there  
10 for 4 days.

11 Q We will get back to that when you return to  
12 us.

13 What presently--what first of all was your  
14 work assignment back in September of 1971?

15 A The coal gang.

16 Q What is your present work assignment?

17 A The coal gang.

18 Q How do you like your work?

19 A Well--

20 Q As compared to what's available.

21 A Making the best of a bad lot--I'm happy there  
22 and I asked to be there.

23 Q I think we had an opportunity last week to  
24 speak to the officer who heads up that detail.

25 How about the other men who work with you;

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1 how do they feel or do you know

2 about that assignment?

3 A Well, it's a 7 day a week job and that's a  
4 help. It gets you out of the cell and it kills time  
5 and Mr. Head--the office that you just mentioned, he  
6 is an easy fellow to get along with and by and large  
7 it's the best of a bad lot.

8 Q How many men work in that crew?

9 A Presently there are 14.

10 Q And at the time in September?

11 A 30.

12 Q Just as a matter of record, could you tell  
13 me what the ratio composition of that crew is? On rough  
14 percentages.

15 A Right now it's very easy. There are only 2  
16 blacks and the rest are white.

17 At the time I believe there were about 8 whites  
18 out of the 30 and the rest were perhaps half black and  
19 half Puerto Rican.

20 Q Do you believe, prior to the September inci-  
21 dents, that there was any discrimination in job assign-  
22 ments?

23 A There was some. It's hard for me to know  
24 exactly how much. I did have the impression that there  
25 was some.

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1 Q In what form? When you say

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2 discrimination, against blacks and Puerto Ricans or  
3 against whites--when you say there was discrimination?

4 A Against blacks. I think there was a feeling  
5 that blacks were more troublesome and in many jobs,  
6 clerk jobs where they had to come in almost constant  
7 contact and work with employees, there was a tendency  
8 to consider them a bit more troublesome and not to  
9 assign them to those jobs, although I really don't  
10 know how extensive that was. It is just an impression  
11 that I had.

12 Q Now, Mr. Huen, to get to some of the more  
13 significant parts of the testimony we are trying to  
14 elicit, you were in D yard during the period Septem-  
15 ber 9 to 13, 1971; weren't you?

16 A Yes, I was.

17 Q Did you know, incidentally, anything at that  
18 time about the incident in the A block yard the day  
19 before where there was a confrontation with the offi-  
20 cers?

21 A Well, I entered that yard. I came into that  
22 yard perhaps within minutes of Lieutenant Maroney and  
23 the other officers leaving the yard and I have no  
24 direct knowledge of exactly what did happen or what  
25 was said, but there was a certain amount of tension

1 and there was a lot of talk about

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2 what happened.

3 Q And you could feel that tension?

4 A Yes. Yes. Definitely.

5 Q Incidentally, speaking about tension, say  
6 during the summer and the months prior to the Septem-  
7 ber incident, did you--were you aware of any notice-  
8 able rise or increase in the tension in Attica?

9 A Well, I had been there a year only, so I  
10 can't speak about relative tension. There was a great  
11 deal of tension. There was a great deal of tension.

12 Q Well, would that and your knowledge--either  
13 direct or hearsay knowledge of what happened on the 8th,  
14 did you believe that anything was to occur on the 9th,  
15 the morning of the 9th; did you face that day with any  
16 unusual apprehension?

17 A No, I did not.

18 Q Now, I wonder if you could perhaps trace for  
19 us what you were doing on that Thursday morning, Sep-  
20 tember 9.

21 A Well, I had a call out from the dentist's of-  
22 fice and I was given a pass with a few other inmates  
23 and instead of going to my usual work assignment at  
24 8:00, I went to the dentist's office. I was through--  
25 the dentist was through with me at just about 8:45, so

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1 that within that time, in the next

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2 minute or so, a few minutes, I was coming from the  
3 hospital and coming through the corridor from C block  
4 times square area and--

5 Q I wonder if you could indicate--there is a  
6 point here. I know there is some difficulty with in-  
7 mates because seldom do they get a bird's eye view.

8 A This doesn't seem to be a problem.

9 Times square is here and these are the tun-  
10 nels going to various blocks.

11 (Continued on page 847)

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1 This is C-block. The hospital was here  
2 and I walked through here, whatever length of time it  
3 took to actually get here and when I did, the four gates  
4 that are at the end of the tunnels coming in to this  
5 Times Square area were locked.

6 This was very unusual. It's not unheard of, but it's  
7 very unusual at that time with the amount of traffic that  
8 you have and there were traffic backed up, inmates, you  
9 might say, that were backed up that had to wait to get  
10 through and there was an air--a definite air of tension  
11 there. You couldn't even get people to talk.

12 I asked what's going on and no one seemed to know  
13 what was going on or wanted to say what was going on.

14 Q Then what happened?

15 A Well, at that point I heard a great deal of  
16 yelling, screaming--I want to say screaming, but very  
17 loud talking, yelling, coming from this tunnel here.

18 Q That's A?

19 A This is A-block here and this is the A-block  
20 tunnel and there was loud noise and there was inmates  
21 that could be seen through the bars over here and once  
22 again I asked, from guys who had been there a moment or  
23 two before me what was going on and I couldn't get an  
24 answer.

25 Within seconds, one of the officers was let--who



1 had been in A-block was let into Times Square. 848

2 The gate was opened. There was no attempt by the  
3 other inmates on the other side of that gate to  
4 follow in through it to Times Square, but he himself  
5 had quite a cut on the top of his head and there was  
6 blood streaming down all over his shirt and so forth  
7 like that. It was sort of a scarey moment at that  
8 moment for everyone. I thought there was some really  
9 definite trouble there.

10 Q And then what occurred after that, Mr. Huen?

11 A Well, after that, after he had come into the  
12 tunnel itself--now, there were two officers stationed  
13 right there in Times Square and they didn't seem to be  
14 doing anything. They didn't seem to be calling for  
15 help or anything like that, although they may have  
16 done so, but they didn't seem to be doing anything.  
17 They weren't saying anything. They weren't giving  
18 any instructions to the prisoners or anything like  
19 that and Mr. Kelsy wasn't talking to them or anything  
20 and the screaming and so forth, the yelling, the loud  
21 conversations that was going on over here continued.

22 I noticed inmates trying to peer out windows here  
23 and I went over there myself.

24 I saw officers up on the top of this catwalk  
25 and once Pat was gone, his shirt was out and they

1 hesitated a moment and then ran to this  
2 area here, A-block where the hall captain is and  
3 where the officers congregate.

4 Right after that there were--well, the yelling  
5 really got excited and these gates here from A-block  
6 into Times Square were being pushed against and I  
7 became very apprehensive at this time and I said to  
8 myself "Well, I can't get back to where I'm supposed  
9 to be," which is A-block, "Let me try and get back  
10 to the hospital."

11 At this point, as I went back towards C-block and  
12 in trying to get back to the hospital, the gates in  
13 C-block itself were locked up. So, there I was.

14 I went back mid-way, you might say, between the  
15 two gates and the screaming was getting unbelievable  
16 there and the tension and the apprehension on the faces  
17 of everyone there at the time was getting pretty--just  
18 overwhelming, you might say, and I went back again to  
19 the gates of Times Square itself and I could see the  
20 gates being pushed from the A-block side and they were  
21 just pushed open like butter, just boom, it popped right  
22 open.

23 Q That's the gate leading from the A-tunnel to  
24 Times Square?

25 A To Times Square, yes.

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1 Q All right. And then--right.

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2 Then, Mr. Huen, what did you do and what happened  
3 to you?

4 A Well, at this time I was nervous about  
5 being possibly considered someone that was involved  
6 in this. I was thinking about my own neck, you might  
7 say.

8 Q What was your first impression or your  
9 thoughts when you saw this happening; what was part  
10 of your apprehension?

11 A Well, the whole thing seemed so unreal,  
12 especially those gates opening up like that and the  
13 inability of the officers to respond in any way  
14 whatsoever or even to attempt to. It was just--it  
15 was, in a sense, a shock. It's just very, very  
16 unreal. Boy, was it unreal. And--

17 Q All right, then, you were at last back  
18 at the Times Square area.

19 A Yes.

20 Q And you observed the A-corridor door open.  
21 What happened after that?

22 A Well, inmates came streaming through and  
23 I'm not sure if I actually saw this. I saw the  
24 keys being taken from the officers that were in  
25 Times Square to open up the other gates or whether I

1 just saw them opening up the other gates,  
2 I'm not sure, but within seconds all the other gates  
3 were opened and inmates were streaming through  
4 freely.

5 Q Through all the corridors?

6 A Yes. Through all the corridors.

7 Q Then what happened to you at the time?

8 A Again, at this time I went back towards  
9 C-block to just get out of the rush. It was like a  
10 42nd Street subway rush, to get out of it.

11 Now, I could see that the C-block gates were open.  
12 There was an officer who--

13 Q Well--go ahead.

14 A There was an officer that was on the ground.  
15 Apparently he had been knocked down, but he was--he  
16 was being ignored. They just rushed by him, you might  
17 say, and he was getting up sort of in slow motion and  
18 he looked to be in pretty well of a state of shock,  
19 more of a state of shock than hurt.

20 The gate on the opposite side of C-block was  
21 still locked and it wasn't able to get--

22 Q What were your intentions at that time; your  
23 going back and forth?

24 A Well, I was just trying to get out of the rush.  
25 This had happened very quickly. I hadn't formed any

1 sort of an opinion. It was just reaction.

2 Pure reaction to get out of the way of this. I didn't  
3 expect it. I didn't understand it and I say it was  
4 the least likely thing that I ever thought could  
5 happen within a structured place such as Attica.

6 Q Were you by yourself at the time?

7 A By the time that I finally got into C-block  
8 itself, one of the fellow--it turned out that all of  
9 that yelling that I had heard initially had been from  
10 the members of Five Company and I knew one of the  
11 fellows from Five Company and I asked him what was  
12 going on.

13 Now, I began to get some picture of the correlation  
14 between the incident of the day before and the taking  
15 out of the cells of one of the fellows that had been  
16 involved in the incident of the day before and the  
17 troubles that that had caused on Five Company.

18 Q Right.

19 A And this fellow, if I remember correctly,  
20 he said "It's on. It's on. You know, it's blown.  
21 The whole place is going on."

22 Q Right.

23 Now, I wonder if you would, at this point, trace  
24 your movements and observations from that point until  
25 you arrived at the D-yard.

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1  
2 was still locked. I never saw that gate open. I  
3 understand at some point it was open, but I never  
4 saw it opened. Myself and this other fellow that  
5 I did know, he said "Come on, let's get out of here.  
6 We will get up to the third floor of C-block and get  
7 away from this."

8 I thought there would be a reaction from the  
9 guards almost immediately and that would be that.

10 Q When you say that, do you mean a reaction  
11 on retaking--

12 A Yes. They would move right back in. That's  
13 what I thought at the time. I didn't know how extensive  
14 it was, even though I had seen the other gates open  
15 at Times Square and obviously there were men running  
16 all through the other blocks. I didn't think of that  
17 at the moment and I just expected that there would be  
18 a reaction, a counter force from the guards that  
19 would restore everything to normal within a very  
20 short period.

21 And so we went or tried to go up into the third  
22 floor. The third floor was locked. We stayed on the  
23 second floor in this wing here. There were a number  
24 of fellows that I did know fairly well up there at  
25 the time and we intended to just hang around up there

1 until things got straightened out and stay 854  
2 away from the activity that was in the halls. And  
3 around the desk.

4 Q What happened and how is it that you ended  
5 up in D-yard?

6 A Well, we saw correction officers massing out  
7 here, massing, a dozen at most. They had what appeared  
8 to me to be a rifle. They had gas guns. There were  
9 brass out there. There was a lieutenant out there.  
10 They fired--there is a door right between here--it's  
11 not visible--or even a tunnel, the extension of the  
12 tunnel that actually connects these tunnels is invisible,  
13 but there is a door here and they seemed to be firing  
14 gas toward that door, but that was the extent of the  
15 effort they made at that time to come back into the  
16 prison or to restrict the actions of the inmates.

17 As I say, they were here--they were there for  
18 quite a while, perhaps an hour went by. They made  
19 no other effort to come back into the prison. They  
20 were firing down to this area. I still had some  
21 thought that if things get bad I would still get out  
22 that way, get away from that.

23 As time went on it was apparent that that wasn't  
24 going to happen; that I wasn't going to be allowed to  
25 get past that point.

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2 terrified--in all sorts of conditions, but all very  
3 emotional coming in and out of the block that I was  
4 in with the fellows I was in and there was much  
5 discussion about what should be done.

6 We were asked by some to go to D-block. They  
7 said everybody is going down to D-Block. There is  
8 hostages down in D-block and that's the safest point.

9 I, myself, didn't think that was a safe point.  
10 I felt, if we went into this open yard, that we would  
11 be sitting ducks for whatever was to come.

12 Q Was your apprehension and fear of inmates  
13 or guards and why?

14 A I have to--I would have to describe my own  
15 feelings, my own individual feelings as primarily  
16 one of shock, one of shock. There were, as I say,  
17 a variety of emotions running rampant throughout the  
18 place to the people that I saw and one of these that  
19 was very real in the minds of a lot of prisoners,  
20 that this might be degenerating into a race riot.  
21 There were no real indications. There was nothing  
22 really done that would support that, but nevertheless  
23 there was a feeling that this might happen and, of  
24 course, this added to the tension. It let people--  
25 they didn't know where to turn.



1 Q Subsequently, did you make any

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2 determination as to whether it was in fact a race riot?

3 A Well, it wasn't until we actually had gotten  
4 into the yard itself and when I got into the yard there  
5 seemed to be something bordering on a party atmosphere.  
6 It wasn't exuberant, really, totally, but there was--  
7 well, there wasn't any fighting going on.

8 At that point all the hostages that ever were going  
9 to be collected were collected; they were all together.  
10 Some had been hurt, bruised, bloody, so forth, like that.  
11 I saw no indications of any real harm that had been done  
12 to him and there seemed to be an effort by some of the  
13 wiser heads, you might say, to keep the hotheads away from  
14 them and leave them alone. This is our key out of this  
15 whole mess, you might say, but while I was still in C-block,  
16 it was another story. I didn't really know what to expect.  
17 I was in a high state of shock and the general feeling  
18 was still to try, among all the inmates that I saw in  
19 C-block, to stay out of D-block yard and stay out of  
20 whatever it is that is causing this.

21 Q All right, sir. So what happened from the  
22 C-block eventually--was it through the request of  
23 other inmates--but at any rate, you did go back down  
24 and into the D-yard?

25 A Yes. Eventually I did, yes.

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1 Q How long after the initial  
2 events that took place in the A corridor--how long  
3 after that was it that you got into D yard?

4 A Just about 1 hour. Just about 1 hour.

5 Q Incidentally, during that period did you  
6 hear any whistles or alarms going off?

7 A Oh, yes. The power house whistle at some  
8 point, it started ringing and blowing and all of that.

9 Q Now, when you got in the yard you said your  
10 first impression was one of--I will paraphrase. I get  
11 the feeling you felt it was like a carnival atmosphere.

12 A To some extent, yes. I think there was a  
13 sense of relief that while--at least there has got to  
14 be--the initial silence, whatever it had been, was not  
15 running rampant, and there was guys still running around  
16 the halls, they were trying to get to the commissary and  
17 try to get candy bars and cartons of cigarettes rather  
18 than really, boy, let's kill these hacks or anything  
19 like that or "let's start a fight among us."

20 Q So that original apprehension you had after  
21 you got in the yard was dissipated in itself?

22 A Dissipated quite a bit, quite a bit.

23 Q Did you feel at that time any threat of danger  
24 to yourself?

25 A Well, as I say I was in shock primarily be-

1 I didn't know what to expect, really,

2 I didn't discount any possibility. I didn't discount  
3 the police coming in, the guards or whatever coming in  
4 and just opening fire. I didn't discount some hothead  
5 just running amuk among prisoners and I didn't know  
6 what to expect, but at that time I felt that there would  
7 be a breathing space.

8 Q Where did you go; where did you locate your-  
9 self in D yard?

10 A Well, now we are speaking about a five day  
11 period, a four day period.

12 Q Yes.

13 A Eventually, but it wasn't until, I guess,  
14 about the second day--eventually a tent was arranged by  
15 myself and, I think, 8 or 9 other men right about this  
16 spot here.

17 No, I have to right myself. This is the hand-  
18 ball court. Right about here.

19 Q As close to the center--

20 A Yes. Midway between the center here and this  
21 corner here. Right about here.

22 Q Were you close enough to the leadership table  
23 to watch the proceedings over the four day period?

24 A Well, I would have to disagree with the char-  
25 acterization of the leadership. One of the most bother-

1 some things that I found throughout  
2 the whole period--I didn't feel that there was anyone  
3 who had things in control enough to be termed a leader-  
4 ship. If you are speaking about the negotiating people  
5 that at various times sat at that table and spoke to  
6 Mr. Oswald or the other people that came in, or if you  
7 are speaking about the outside people that came in--

8 Q No. I'm speaking about the inmates.

9 A The inmates--

10 Q Who were, to a large degree, the spokesmen.

11 A The spokesmen. I don't believe--no, not while  
12 actual negotiations were going on. No.

13 Q Now, speaking about the spokesmen for the in-  
14 mates, do you feel that there was any--we have heard  
15 testimony concerning the selection of leaders among the  
16 various blocks and the election that took place of these  
17 representatives from these blocks and who supposedly  
18 acted in a leadership capacity or representative capa-  
19 city.

20 What was your impression of this?

21 A Well, you have to understand how structured  
22 Attica was and is today.

23 Outside of the men, actually on my gallery  
24 that I was working with, those 30 men on a coal gang,  
25 it was very difficult to get to know any other inmate,

1 even in your own block, and if they  
2 were in other blocks, D block or B block, you didn't  
3 know them at all.

4 So, my thought was--and I think because of a  
5 lot of people were to say even if you didn't know some  
6 of these guys, even if some of the things they said  
7 might not be the most practical things that might be  
8 sort, you might say, in order to keep things going in  
9 one direction, that I think most people just acquiesced  
10 to whoever was nominated.

11 Q Do you think--we have heard the activities in  
12 the yard characterized everywhere from tyranny to an  
13 Athenian democracy. How would you categorize it?

14 A Confused.

15 Q Confused?

16 A Confused.

17 Q All right.

18 Now, on the question of demands we have heard  
19 that inmates all had an opportunity to get up and speak  
20 and to add their request or their demands to the growing  
21 list.

22 Did you participate in this?

23 A At one point a fellow came around and he said,  
24 "This is what has been proposed. Do you have anything  
25 to add or do you disagree with anything?"

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1  
2 that the very fact that someone was making an attempt  
3 to get a consensus of opinion--that was more than  
4 enough for me. As long as everybody would be working  
5 together, I thought that it was fine and I didn't even  
6 pay too much attention to what the demands were. I  
7 wasn't concerned so much with the demands as that there  
8 would be a unified group of demands for the outside  
9 people to deal with.

10 Q Well, do you think that there was a consensus  
11 concerning the demands that the majority of inmates  
12 were in agreement with in those demands which were  
13 being put forth?

14 A Well, I think the actual expectations, the  
15 actual--what individual inmates wanted varied so--  
16 well, take that thing about going to Algeria. Nobody  
17 really paid too much attention to that. There were  
18 guys in there that all they wanted was more pink ice  
19 cream, we will say, and there were guys in there that  
20 were concerned about getting cake in the mess hall and  
21 there were guys that were deeply concerned about improv-  
22 ing the parole system and trying to get fresh minds  
23 into the institution; to do something about rehabili-  
24 tation.

25 I got the impression myself that there wasn't

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1 any real consensus between any more  
2 than 50 people. I don't think you could have gotten  
3 50 people that could have agreed on any one point.

4 Q Now, subsequently and on that afternoon and  
5 evening of the following day, observers began to come  
6 to the yard--

7 A Yes.

8 Q At the request of inmates and/or administra-  
9 tion people.

10 A Yes.

11 Q Were you able to observe or did you listen  
12 or pay attention to the things that they said and some  
13 of the things that they did and if so, I would like  
14 your impression of what, if any effect, they had upon  
15 the men, upon the situation and actually on the even-  
16 tual outcome of the events.

17 A I think that they didn't really have too much  
18 effect on the total outcome. I think there was an ex-  
19 pectation on the part of many prisoners that they would  
20 be able to get a note of sanity, you might say, into  
21 the proceedings. The obstinate attitude--the real re-  
22 luctance of the administration to fully negotiate and  
23 the confusion that existed among the prisoners them-  
24 selves, their difficulty of getting agreement about  
25 really what the--what should be accepted. I thought

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1 there was a--I think most prisoners

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2 felt that their best hope was that these people, these  
3 outside people might possibly be able to get like, as  
4 I say, a note of sanity in the proceedings.

5 Q Were you hopeful, say, during the first day  
6 or two that perhaps there could be an acceptable solu-  
7 tion, that there would be a solution other than the  
8 ultimate solution?

9 A Well, within the first two days, up until the  
10 ending of the first day we will say--sometime along that  
11 period when the newspaper people came in, when the tele-  
12 vision people came in, there was a feeling, I think most  
13 prisoners had, that the tendency of the administration  
14 was to just slap everybody down, lock him up, beat him  
15 up, kill him if you have to, wouldn't be able to pre-  
16 vail and that it wouldn't be fair to say that Mr. Tom  
17 Wicker over there was going to lead us out of this, be-  
18 cause that the combined pressure we might say, the com-  
19 bined exposure of all of the attention that was being  
20 focused on Attica would perhaps get us out of there  
21 without too much harm, either to us or to the hostages  
22 or anyone else.

23 Q I would like to ask on that point: do you  
24 believe that if it had been continued along those lines,  
25 if you heard Mr. Wicker's testimony, that if more time

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1 had been given possibly it could  
2 have been otherwise resolved?

3 A Well, I think I should say this, that despite  
4 all the statements that were made on Sunday concerning  
5 the disastrous position we were in, there was still a  
6 feeling that public opinion, focused as it was on  
7 Attica, would not allow the administration to do what  
8 they ultimately did do, and just send in people in any  
9 way possible, disregarding our lives and the hostages'  
10 lives, just get control of the prison.

11 One of the things I have to mention about  
12 that was that there was a feeling--whether this was  
13 true or not, and we had no way of knowing whether this  
14 was true, but there was a feeling that it was Governor  
15 Rockefeller who was going to make the decision to come  
16 in or not to come in, to grant amnesty or not to grant  
17 amnesty and there was a feeling that until he did come  
18 there and make that decision, that there was always  
19 time to negotiate.

20 I have to elaborate on that again. The only  
21 public statement that was made up until the 13th by  
22 Governor Rockefeller that we were aware of was a news  
23 report, I believe on Sunday night, that came over the  
24 television that he would not and could not grant am-  
25 nesty, which was a sore point with the prisoners.

1  
2 Q Go ahead.

3 A Well, what I'm getting to say is that despite  
4 all the testimony, despite Mr. Kuntsler's very emo-  
5 tional and very sincere plea to us that if we didn't  
6 agree to the demands that had been accepted, that some  
7 of us were going to die and I know that he believed  
8 that, because still there was that--there was that  
9 statement by Governor Rockefeller which said that he  
10 would not and could not grant amnesty; that he explained  
11 that Mr. James was the District Attorney of that area  
12 and that that was his jurisdiction and he wasn't--he  
13 didn't have the power to interfere.

14 Well, we knew that wasn't true and subse-  
15 quently, after the riot, Mr. James was superceded, I  
16 believe--the word is used by Mr. Fisher to conduct  
17 investigations into Attica and so forth and so forth  
18 and we also knew that the governor the the power to  
19 replace or take a district attorney in a particular  
20 area out of a particular situation and we knew that  
21 that could be done.

22 So, when he said that he would not interfere  
23 or grant amnesty, there was a tendency on the pri-  
24 soners' part not to believe that any more than they  
25 believed that he could not act.

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1 Q May I ask you this: on

2 the sole question, did you think that amnesty was in  
3 fact the key issue or the key demand of the men in the  
4 yard?

5 A I think if the amnesty had been granted or  
6 promised--I don't believe myself that it could have  
7 been kept. I don't believe that there was any binding  
8 way that it could have been offered to us that was en-  
9 forceable by us in a Court of law, but I very carefully  
10 didn't mention that. I didn't want to keep the pot  
11 boiling any more than it had to kept boiling, but I  
12 did feel that if Governor Rockefeller had given his  
13 personal assurance, whether or not the prisoners would  
14 have really relied on his credibility, they would have  
15 accepted the fact that there was no more to be done in  
16 that area; that he was the last word and, I believe,  
17 that there was a good possibility--I don't say a cer-  
18 tainty but there was a good possibility that that would  
19 have been the last effort of the inmates to gain any  
20 more than what they had been offered.

21 Q Let me say this, then, because you felt that  
22 the ultimate word and the ultimate credibility would be  
23 in the governor, in the event Commissioner Oswald had  
24 granted the amnesty; do you think the men would have ac-  
25 cepted it coming from him?

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1           A     I don't really know. I  
2 think there would have been a serious question about  
3 it.

4           Q     Did amnesty become even more important when  
5 you learned of the death of Officer Quinn?

6           A     Well, Governor--Officer Quinn's death, the  
7 announcement of his death had a strong effect on the  
8 thinking of everything. Afterward, I think as time  
9 went on and men thought about that, I think there was  
10 a very strong feeling among a lot of prisoners that,  
11 well, a cop has been killed and no matter what you do,  
12 they are not going to let that go by the boards; that  
13 there is going to be repression; that there are going  
14 to be reprisals regardless of what you are going to  
15 do, so it made it more difficult.

16                     Getting back to what you said about Mr. Os-  
17 wald's original amnesty, I think there might possibly  
18 still have been a reluctance to accept that after it  
19 was known that a cop had been killed.

20                     Now, let me correct myself. I'm saying a  
21 cop had been killed whereas in fact at that time we  
22 didn't know. We did not know that he was killed,  
23 murdered, in legal sense.

24                     It was just that he had died.

25           Q     At any time were you convinced that the troopers

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1 were coming in shooting before it

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2 actually happened?

3 A I felt myself that there was--that anything  
4 was possible. I continued to believe that up until the  
5 time that the shots were actually fired. I thought it  
6 was possible and probable that if they did come in,  
7 that the damage would be a lot worse than it was. I  
8 was very aware of that.

9 At the same time I was aware that these nego-  
10 tiations could have gone on for a longer period of time.  
11 I really didn't think until shots were fired that that  
12 was the end, they were coming in.

13 Q Did you want to be in the yard?

14 A No, I didn't. It was too scary for me al-  
15 together.

16 Q Do you think you could have left the yard  
17 had you wanted to?

18 A Well, it would have been very difficult. As  
19 Mr. Carpenter testified yesterday, he was bringing hos-  
20 tages to the gate, I believe he said, of A block or the  
21 administration or whatever it was, and he was driven  
22 back by guns. So, you had that to contend with and then,  
23 of course, you had the feeling of inmates within the  
24 yard that, gee, what's wrong with you; who are you  
25 with; are you with us or what?

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1  
2 and it was also a possibility that if any sizeable amount  
3 or even a small amount of inmates had tried to leave the  
4 yard, well, it might have caused this corruption between  
5 the inmates and I think the inmates felt very strongly  
6 that one of the things the administration was doing was  
7 hoping that we would start snarling amongst each other  
8 and start to tear each other apart and try to solve the  
9 problem that was for them and there was a reluctance to  
10 do that.

11 Q Now, did you believe that the offer of the 28  
12 demands or the acceptance of the 28 demands by the Com-  
13 missioner was all you were going to get?

14 A I personally didn't believe that any agreement  
15 reached under those circumstances would have been ful-  
16 filled. That was my own personal opinion. I think  
17 there were quite a few men in the yard that felt that  
18 way also. I don't know how prevalent that was.

19 Q Do you recall--

20 A I would like to add to that. I think one of  
21 the confusing things about this whole picture is that  
22 the men who were seemingly most violent and most radi-  
23 cal nevertheless were people that felt that if they did  
24 these things, if they took hostages, if they made a lot  
25 of noise and got attention, that something would be done

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1 within the prison and if fellows,  
2 like myself, who didn't want any part of the violence  
3 and didn't want any part of these confrontations were  
4 actually the men that had no faith that any contract  
5 would be made and no changes have come.

6 So, that's a confusing thing for people to  
7 see.

8 On the one hand you have someone making speeches  
9 --we want to die, but ultimately this was a guy that  
10 thought this would have an effect on prison rehabilita-  
11 tion, let's say.

12 Q Do you recall when the so-called ultimatum  
13 came in on early Monday?

14 A Yes.

15 Q Do you recall whether or not the men were  
16 asked whether or not they would accept this ultimatum,  
17 or at least honor it and give up; do you recall that,  
18 that there was--

19 A I believe the wording was, "Should we hold out?"

20 Q Right.

21 A I don't think there was too much of a detailed  
22 discussion about whether we should accept what we had  
23 been offered. I think there was, at this time--by the  
24 time we had gotten to this point, men were weary, men  
25 were worn down. The more emotional fellows were starting

1 to lose touch with themselves. It  
2 was getting to be a bad moment under any circumstances  
3 and there wasn't too much discussion about the demands.  
4 It was a question of should we hold out or should we  
5 just throw in the towel and let him beat us up or kill  
6 us, whatever they wanted to do. I think there was more  
7 of that sort of a feeling.

8 Q Well, did anyone, in your recollection, agree  
9 that they should accept the ultimatum?

10 A Well, there was one fellow that questioned  
11 whether or not we should accept the ultimatum.

12 Q Would you--did you believe you should accept  
13 it?

14 A Well, you see, this is a difficult thing and  
15 it is tempered--my answer has to be tempered by hind-  
16 sight. I believe--I don't think that this was--my per-  
17 sonal belief is that this was one of the 28 demands.  
18 I'm not even familiar with the demands. I didn't pay  
19 too much attention to them at the time in the yard,  
20 but I did feel that whatever the demands were, if you  
21 could include a representative of the press who would  
22 be there to supervise the overtaking of the prison,  
23 whether or not the demands were later kept, whether  
24 the agreement was kept later on wasn't too important  
25 to me, as long as if we did have someone there from

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1 the press, from the outside people

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2 who would insure that at least we were not brutalized  
3 physically at the actual taking over. I would have  
4 been happy, very happy to be out of that yard. But,  
5 at that time--at that point, the lack of communications  
6 --even between prisoners--had broken down so badly  
7 that I didn't even think about proposing such a thing  
8 like that, or I don't think anyone would have listened  
9 to me, particularly.

10 Q So, therefore, you didn't make--at that point  
11 you made no statements?

12 A No, I made no statements.

13 Q Now let me ask you this: when were you--you  
14 said something about you weren't convinced that they  
15 were going to come in the way they did right up until  
16 the last moment.

17 Did you make any preparation yourself for the  
18 possibility of an assault?

19 A Well, I got as far away from the hostages,  
20 who I felt would be a target, and that was the only thing  
21 that I thought could be done.

22 Q Mr. Huen, we are restricting, as Mr. Liman said,  
23 your testimony today to your impressions and your obser-  
24 vations of the activities in the yard and, as you know,  
25 we have asked that you return next week when we get into

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1 that phase of the incidents that led

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2 the assault, the aftermath of the assault, et cetera  
3 and, Mr. Chairman, I have no further questions at this  
4 time of this witness.

5 MR. LIMAN: Mr. Huen, you can remain  
6 until after the luncheon recess so that the Com-  
7 mission can then put some questions to you.

8 I wonder, though, so that they will  
9 also have a further basis for questions, if you  
10 would describe for them what you described for the  
11 staff before this air of what you called unreality  
12 in the yard and in particular I refer to the  
13 helicopter example.

14 THE WITNESS: Oh, yes. Just immediately  
15 before the actual shooting started, there was an  
16 unmarked helicopter. I think it was painted yel-  
17 low. It was pretty strange looking, small. It  
18 didn't seem to be actually threatening.

19 It wasn't a military type, the big ones  
20 that came in later that we had seen on television  
21 and knew were outside. The circled over the yard  
22 a number of times. To this day I don't know really  
23 what it was doing there. While everybody was  
24 standing around and beginning to get apprehensive  
25 and staring up at this thing circling over their

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1 heads, an inmate that I knew to be

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2 pretty deranged normally, under normal circum-  
3 stances, he was coming to the point of being  
4 pretty whacked out at that moment, came to the  
5 group as said that was the Young Lords.  
6

7 The Young Lords have guns. They are  
8 going to drop down guns. The cops are going to  
9 shoot and then -- and as weird as that sounds now,  
10 there were men that believed it. There was that  
11 air of unreality. There were men standing next  
12 to me who'd spent twenty-four years, who knows  
13 what to expect, or who you'd think would know  
14 what to expect, who turned around and asked me  
15 "Is that really the Young Lords?"

16 MR. LIMAN: Did you also hear inmates  
17 say that they thought it was Governor Rockefeller  
18 coming in the helicopter?

19 THE WITNESS: I can't say that I heard  
20 that.

21 MR. LIMAN: We have heard other in-  
22 mates make that remark.

23 THE WITNESS: No.

24 MR. LIMAN: Did this air of unreality  
25 manifest itself in other ways during those days?

THE WITNESS: Certainly. I was in a

1 state of shock, I will have to say, 875

2 throughout the thing, and I was -- I felt detached,  
3 you might say, from the harshness of it. You  
4 speak about was I aware of being -- the possi-  
5 bility of being shot at that moment. I felt  
6 detached from it. It was just so unreal and so  
7 incomprehensible that it was definitely that fac-  
8 tor had, I think, an influence throughout every-  
9 thing that did happen in the yard.

10 MR. WILLIS: One further question I  
11 wanted to ask you, Mr. Huen, and that is, for  
12 the period of time we have heard testimony to  
13 this effect, but I would like to get your impres-  
14 sion on this and that is the treatment of hos-  
15 tages by the inmates over the period of time.

16 THE WITNESS: Oh, they were handled  
17 with kid gloves, except for the first half hour.  
18 I didn't see them for an hour afterwards. I did  
19 see perhaps three guards being led from C-block  
20 and the first two, the inmates and the guards,  
21 they sort of stood there and didn't really know --  
22 it was an unusual situation. So finally one  
23 reached out and took a club away from a guy and  
24 then just put his hand on him and led him off  
25 ~~somewhere but there was no violence.~~

even beaten or punched or anything like that.

MR. WILLIS: So that your observations were that the hostages were not being mistreated nor were they in danger, at least any imminent danger of any serious injury?

THE WITNESS: Not from the inmates. Definitely not. Definitely not.

MR. WILLIS: Thank you.

MR. MCKAY: The hearing will recess until two o'clock this afternoon.

(Whereupon, at 12:15 p.m., a luncheon recess was taken.)

C E R T I F I C A T E

STATE OF NEW YORK )  
                              : ss  
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 of the within entitled matter (pages 761-877), 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 24<sup>th</sup> day of April 1972.

  
RICHARD GREENSPAN

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