

1 bear on the questions that have been asked you. 1355

2 Is there something you would like to tell us?

3 THE WITNESS: No, I don't think I will  
4 make a statement.

5 MR. McKAY: Thank you. You have been very  
6 helpful this morning. We appreciate very much your  
7 being here.

8 (Whereupon, the witness was excused.)

9 MR. LIMAN: Capt. Wald.

10 MR. McKAY: Capt. Wald, will you remain  
11 standing to be sworn.

12 C A P T. F R A N K W A L D, called as a  
13 witness, being first duly sworn by Mr. McKay, testi-  
14 fied as follows:

15 BY MR. LIMAN:

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

17 A Franklin J. Wald. Correction captain, retired.

18 Q When did you retire, Captain?

19 A Close of business March 29, 1972.

20 Q How old are you, Captain?

21 A I will be 62 in July.

22 Q How many years did you put in in the Department  
23 of Correctional Services?

24 A Pretty well in my 36th year.

25 Q How many of those years did you spend in Attica?

1 Approximately.

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2 A I would say about 25, 20 of them.

3 Q Were there three years that you spent up at  
4 Clinton in charge of the Diagnostic Center there?

5 A Yes. I helped pilot that program.

6 Would you like a description of it?

7 Q First tell us when that was, Captain?

8 A That was July of 1967.

9 Q What was the name of the program, what was its  
10 formal name?

11 A Diagnostic and Treatment Center.

12 Q Would you describe what that center and the pro-  
13 gram was like?

14 A The original criteria for the center was, this  
15 was for the multiple offender. This is a man who kept  
16 repeating and coming back to prison, the man that over  
17 the years just about everybody had given up on. Very  
18 difficult person to try to change his attitudes.

19 At that particular time we took in men from all--  
20 inmates from all over the state and they didn't bar out the  
21 so-called violent ones. The ones that had a lot of  
22 trouble in prison. Initially they didn't want alcoholics,  
23 they didn't want drug addicts but they later on changed  
24 the criteria. These were people that were under intense  
25 psychiatric treatment up there.

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1  
2 help. I was sent up there right after it started and  
3 they were--had intended to do and at that time many of  
4 the changes that ehy're advocating now, that is, the  
5 humanizing the prison setup, more on the one to one basis  
6 with the correction officer and after it started a few  
7 months apparently they had run into some trouble because,  
8 oh, there were psychiatrists running this, psychologists  
9 who apparently hadn't had much experience handling a group  
10 at that time of--they had 50 men when the thing first  
11 started and they were having disciplinary problems,  
12 administrative problems, so I was called to Albany at  
13 this time and I think at the time, as I remember, they  
14 interviewed six of us and the requirements for this par-  
15 ticular position up there was you had to be non-rigid and  
16 a flexible type of person in order to work at this place.

17 I met those requirements at that time.

18 Q After almost 30 years at that point in the  
19 correction services?

20 A Well, with age, you get mellow, you know, many  
21 of us. And then I always had good relationship with all  
22 the inmates in the department. Somewhere along the line  
23 their earlier, I acquired the nickname of Pappy which I  
24 think was because I used to listen to their problems and  
25 try to solve them if I could.

1                    Anyway, I went down there and went

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2 through a two-week course of what they were planning to  
3 do. I took over the formation and tried to keep this  
4 particular place within the rules of the Department of  
5 Correction, which was difficult with treatment because  
6 the people that were working in treatment at the time  
7 had no understanding, in fact they were even using the  
8 wrong forms and everything, so after a few months in the  
9 formation of the work shop and you must understand, there  
10 was a totally different experience for me because in the  
11 prison setup you go to breakfast, you then go to a work  
12 area, you are marched over there. But now here I had  
13 come into a wholly new thing. They had rooms instead  
14 of cells which they were able to decorate any way they  
15 wanted.

16                    Breakfast in the morning, they would announce  
17 breakfast is ready and you could go out and eat break-  
18 fast or not. Then there were some housekeeping duties  
19 and we had set this up as an individual--that is, with  
20 committees--

21                    Q     Cooperative?

22                    A     Yes. And this was their responsibility and  
23 these jobs changed every month and in other words, the  
24 prison, it was a sort of a self-government thing under  
25 our guidance.

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1           Then they would announce, there was no           1359  
2 bell, of course, at this time. The shops are open. And  
3 I was amazed at this at this time because some of the  
4 lads would go right over there and go to work and just  
5 as if somebody had ordered them to. Some would be late.  
6 Some wouldn't show up. And I was starting to get a little  
7 upset over this because this wasn't proper procedure, I  
8 thought, but under the treatment program they kept records  
9 of how well a man worked, when they reported for work,  
10 if he was late because this particular program was  
11 patterned after a man called Maxwell Jones.

12           Originally the thing was set up in England  
13 after World War II and it took in these soldiers, when  
14 they come back, who didn't adjust in the community and  
15 the whole idea was to foster good work habits. They  
16 seemed to think this was the thing with the multiple  
17 offender, he didn't have a good work habit, so they  
18 tried through treatment and I am talking about this shop  
19 thing. Incidentally, in the shops I got them coffee  
20 pots, hot plates. You weren't forced to work. They  
21 would go around and ask what your problem was, if you  
22 were sick. We had a nurse on duty and a doctor avail-  
23 able at all times.

24           In other words, they put the responsibility of  
25 all actions on the inmates.

1           Then on Monday--let's see, it was  
2  
3 Tuesday, Wednesday and Thursday--we had community meet-  
4 ings five days a week.

5           Q     Who would participate in them?

6           A     This was run by a psychiatrist and everybody  
7 participated. If you worked for the Diagnostic Treat-  
8 ment Center you were participating. They called this the  
9 total team approach. It didn't matter what capacity  
10 you worked in there and most peculiar part of this thing  
11 was even the director would come down and just about  
12 every meeting, he sat in the audience. We sat just as we  
13 sit here and this psychologist would pose a few leading  
14 questions but the idea of this community meeting was for  
15 the purpose of, oh, what the psychiatrist called ventila-  
16 tion.

17           In other words, if you had any hostility, any  
18 feeling inside of you, this was the place to bring it  
19 out. They taught you instead of taking direct action,  
20 using your fists, to verbalize, substitute verbalization  
21 for direct action. I'm talking about people that are  
22 not first timers. These fellows have been through the  
23 mill. They have been in many jails and this was a very  
24 difficult--if you can imagine 50 of them sitting there  
25 and discussions getting very heated and once in a while  
one of them would lose his temper and start, you know,

1 for the other fellow and then they would cool

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2 him down with words and they were able to get all of this  
3 hostility and violent feeling out of their insides by talk.

4 These things would last about an hour five days  
5 a week. After the meeting we had a staff meeting. We  
6 never made a decision on the floor. At the staff meet-  
7 ing you met, of course, with the psychiatrist, the psy-  
8 chologists and the officers that participated in this,  
9 myself. We discussed the problem and then and then only  
10 would you make a decision on what was being discussed up  
11 there.

12 It was pretty well thought out but from day to  
13 day, oh, feelings would change. Many had to do with house-  
14 keeping problems. We had set up committees to take care  
15 of this. They were all assigned tasks. Men to run the  
16 dish washing machine. For instance, I had bowling alleys  
17 running, if you can imagine this, until eleven o'clock at  
18 night. When I ran it for three years we never had one  
19 incident down there.

20 Q All in all did the program seem to work?

21 A In the beginning I didn't think so. It was  
22 because I lacked the understanding but as I became more  
23 involved in the program, I could see now the closeness,  
24 the rapport that was being--between the officers and the  
25 treatment people and now the so-called really--as they call

1 the hard guy or the tough inmate was gradually  
2 softening up. You could see it happening. And he later  
3 would come back on our team up there at these community  
4 meetings.

5 Another thing besides the meetings, we had  
6 group therapy on a Tuesday. This was with much of the  
7 personnel out of McGill University. We would borrow  
8 seniors from Plattsburgh State College and I am not talk-  
9 ing about men. These were girls who would sit in on the  
10 group therapy, the groups with the inmates and not  
11 across the room but together. These were very fruitful  
12 because it gave a more, oh, it wasn't a prison. It was  
13 a sort of outside. It was like being at college and  
14 having group discussions.

15 There was no feeling there of bitterness.  
16 There was a lot of closeness between the groups.  
17 Wednesday, we would go back in the community meeting  
18 again. Thursday, we had individual therapy. Then  
19 Friday, community meetings again. Then on Saturday a  
20 wonderful man came down out of McGill University who put  
21 on socio-drama. This is the first time in my life I  
22 had been exposed to this. He would act out or have the in-  
23 mates act out any transgression that happened during the  
24 week that wasn't acceptable to the general group that re-  
25 sided there at the time.

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2 out of that. In fact, I got caught up in one of those  
3 things one day myself and I am telling you, I was really  
4 on the spot there in front of 50 men.

5           Q     Acting out?

6           A     Acting out. We were also exposed to sensitivity  
7 programs over in Vermont. We would send officers over  
8 there and go through these courses. I now was in the  
9 process of conversion and didn't know it.

10           You cannot be in a treatment program without  
11 some changes occurring to yourself. I never realized  
12 how fully I had converted until I had gone back to Attica  
13 and was now back in the regular prison routine.

14           Q     How did you find that? When did you return to  
15 Attica?

16           A     I returned around June 11, 1970, and the reason  
17 I returned is because I had contemplated retirement. I  
18 was not getting up into the older age group and planned  
19 to move to Western New York to settle because of family,  
20 grandchildren, things of that sort, and so at the first  
21 opportunity that occurred, which was then, I transferred  
22 back.

23           Q     How did you find Attica?

24           A     Well, I had been gone three years and when I  
25 had worked there before, everything ran in a regimented

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1 sort of fashion. The marching and the bells, 1364  
2 you know, and everything was done at a precise time. I  
3 think one of the biggest things I found now in running  
4 this Diagnostic Treatment Center, we occasionally would  
5 have disciplinary problems and if it was a serious enough  
6 thing, why I would meet with the fellow in the room and  
7 then assess him something if it was assessable or leave him  
8 out or give him a good talking to. We would then take this  
9 up in the community meeting thing. We would take it up  
10 in individual therapy. We would take it up finally in  
11 socio-drama.

12 So actually this fellow had been hit, three,  
13 four times for one offense. Not too many of them wanted  
14 to go through this so this was a self sort of discipline  
15 for the inmates that resided there at the time.

16 But now coming back to Attica, your old dis-  
17 ciplinary court was held by the deputy superintendent.  
18 He and he alone assessed all punishments or--of any  
19 violation, disciplinary violation. And some time, I think  
20 it was October of 1970, the state came out with a new  
21 disciplinary proceeding and this became effective.

22 I believe it was in October.

23 Well, now, here was a whole new ballgame because  
24 no longer was the deputy superintendent, it was one of  
25 our uniformed supervisors, a civilian and a man perhaps

1 out of the service unit, who passed judgment on 1365  
2 this particular disciplinary problem. And so at the  
3 time I was selected for chairmanship of this particular  
4 committee because of the exposure at the Diagnostic  
5 Treatment Center, we were using much of what they were  
6 trying to implement on this disciplinary procedure they  
7 just brought out so I had taken it over.

8 Of course, the thing there was not whether a  
9 fellow was right or wrong but you took into account the  
10 number of offences he had before, his capacity for under-  
11 standing. It was more of a human way of approaching the  
12 disciplinary problem.

13 In many cases they would release the man. There  
14 was no punishment. In the event of a fight, sometimes  
15 to separate the two inmates, you would perhaps keep  
16 them in their cell for two, three days before they cooled  
17 off. It was much more a relaxed disciplinary approach  
18 to what had happened before.

19 Now, in this event if you got into a problem  
20 that was not covered in your specific area, and I mean  
21 a serious problem, you then bound over this inmate to what  
22 was called a superintendent's hearing. And then the  
23 deputy superintendent would assess his punishment or  
24 whatever. This took in destruction of clothes, fights  
25 where somebody had been assaulted and hurt. He then

1 sometimes--well, like destruction of clothes, 1366  
2 he might make the inmate pay, which was a small amount  
3 for whatever article was destroyed and this was taken  
4 out of his compensation money.

5 On the serious cases he then would perhaps as-  
6 sign the man to this HBZ Building--

7 Q Did you have difficulty adjusting to the regi-  
8 mentation at Attica after having been at the Diagnostic  
9 Center?

10 A I did in this sense, because the three years I  
11 spent at the Diagnostic Treatment Center had oh, sort of  
12 sneaked up on me and I hadn't realized it and I had changed  
13 and I didn't realize it until I had gotten back into a  
14 prison setup.

15 Q You felt like you were going to prison?

16 A No. My whole thinking was changed. I was  
17 constantly looking for salvage. Some inmate that was mis-  
18 behaving, I was constantly trying to salvage him where  
19 under the old system, I mean, you would make a snap de-  
20 cision and this would be it.

21 Q What was the recidivism rate at the Diagnostic  
22 Center, was it lower?

23 A That was a unique thing too. Up until the  
24 time I left there was 280 that had been released on  
25 parole and we're talking now about a multiple offender.

1                   This is a fellow that gets a little           1367  
2 discouraged, runs out of money and comes back to jail.  
3 The most significant thing I would say showed up at  
4 that time, the time I left and this was after a period of  
5 three years, was the fact that out of that group of 280,  
6 we only had three new felonies and the rest, if they  
7 had come back, it was a comparative thing as a prison,  
8 along about there, they come back on minor parole viola-  
9 tions so the program was doing some good.

10           Q     You felt it was a success?

11           A     Definitely.

12           Q     Let me get back to some more mundane events  
13 such as Thursday, September 9th. When did you report to  
14 duty then, Captain?

15           A     Oh, I came in about half past six.

16           Q     Had you been told about the events of the even-  
17 ing before?

18           A     I walked in with assistant deputy superintendent  
19 Karl Pfail, who lived next to me at the time and we  
20 walked in together and he briefed me on the way over  
21 what had transpired.

22           Q     Where were you assigned during the first break-  
23 fast?

24           A     Well, we come in, Karl said, "We'll go over early  
25 and assess what is back there."

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1 We went back, talked with the night men 1368

2 who hadn't gone home yet. They passed along what  
3 information they had from the previous shift and apparent-  
4 ly at the time that morning, apparently it had been quiet  
5 all night and so Karl told me when we got over in front  
6 of the mess hall, he said before they march, you get  
7 back to that gate with this gas gun that Lt. Curtis talked  
8 about. It was sort of a backup thing. He said in case  
9 anything should explode or if--I don't think he even  
10 thought so at the time, I didn't myself, because every-  
11 thing appeared quiet that morning. Normal, I would say.

12 Q Things appeared normal at that first break-  
13 fast?

14 A Very normal. He made a trip through the mess  
15 hall, come back. I said, "How did you find things, Karl?"  
16 He said "Everything is running normal."

17 Q Did you see five company both go to breakfast  
18 and return from the mess that morning?

19 A Yes. This happened roughly about, oh, they  
20 go to late breakfast probably about half past eight. I  
21 stayed with Sgt. Rieger because Lt. Curtis had to go  
22 down to the front end and get some forms.

23 Karl failed to go down and answer some tele-  
24 phone calls that were being made at the time, so that  
25 left two of us, so I stayed to lend some support in

1 case there was any trouble to Sgt. Rieger be- 1369  
2 cause he would have been the only supervisor in that area.

3 Now, five company and three company, these so-  
4 called trouble companies walked right past me. I could  
5 see nothing different than any other morning. They  
6 were normal. Some of them were talking a normal tone.

7 Q Did you consider them to be trouble companies  
8 before?

9 A No, a company such as that and I think it goes  
10 back to the old days, your grading companies were usually  
11 people that didn't want to work in the regular program  
12 such as the metal shop, a school or things of that type.  
13 They were people that liked a lot of yard time who some-  
14 times your so-called trouble maker, as they referred to  
15 them, probably a non-conformist would probably be a better  
16 word, would graduate to a company like this because you  
17 would have the least confrontation with a man like that  
18 on a company like that because in a regular working  
19 situation where you are having to direct a man to work  
20 and see that he works, eventually if he doesn't get moved  
21 out or perhaps has a thing with the officer where the  
22 man may be--maybe locks him up for a particular offense.

23 Q Am I correct that there had been a historic  
24 policy in this department of moving trouble makers around  
25 the institution so that they wouldn't stay in any one

1 prison too long?

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2 A Well, this is true, yes.

3 Q But within the institution there was a tendency  
4 to lump them all together in one of these grading com-  
5 panies?

6 A That was the procedure that was used at that  
7 time but every once in a while a man would graduate from  
8 that company, you know. He would come down on an inter-  
9 view and have a heart to heart talk and say, well, now  
10 he is ready to adjust and they would give him a fairly  
11 good job somewhere.

12 Q You said you saw 5 and 3 companies pass and they  
13 seemed normal.

14 A Normal. Just as normal as any other morning.

15 Q What did you do after that that morning, Captain?

16 A I stood up at the officers mess and there were  
17 two inmates that had a problem and I was--one concerned  
18 his visit. I was able to solve that for him right away  
19 while he was standing there. Another concerned, he wanted  
20 to move to another work assignment and while I was  
21 standing there, which is only a short way from C-block,  
22 they called from down there and said I was wanted on the  
23 phone. This is after late breakfast.

24 Q So you had a telephone call at C-block?

25 A Yes.

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1 Q Did you go to C-block then? 1371

2 A I went to C-block and identified myself and  
3 the voice on the other end, I still don't know who it  
4 is to this day, said, "A-block just blew up." And then  
5 the line went down. And I stepped out of the office and  
6 looked up towards Times Square, which is in the direc-  
7 tion of A-block and down that corridor, about halfway down  
8 the corridor there were probably, I would say approxi-  
9 mately 40, probably 50 inmates with ball bats, pieces of  
10 pipe in their hand, weapons, all of them had football  
11 helmets on, many of them had towels wrapped around their  
12 face and they were running in our direction and, of course,  
13 making a lot of noise and covering ground fast.

14 So we locked the C-block gates there and I  
15 said to Mr. Delaney, who was the hall keeper at the  
16 time, well, that ought to hold them, but those 40, 50  
17 men hit that gate and I don't think it slowed them down  
18 two seconds. The gate bounded in against the hinges--

19 Q Went the wrong way?

20 A Went the wrong way. I was so amazed to see this  
21 big iron double gate come in the wrong way.

22 Q That is at C-block?

23 A At C-block. And I yelled to Sgt. Rieger who was  
24 in the office and Delaney, I said, "Well, get in here  
25 because we'll barricade ourselves in here because this

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1 group--"

2 Q In here was a little office in C-block?

3 A This was a little office in C-block.

4 The inmates that were in this initial group-  
5 ing, I have to make one comment on it. They were a young  
6 group. Some white, some black, mixed. But they were  
7 very young. Now, in the prison setup, anybody that works  
8 there any length of time, I'm talking about these--they  
9 mentioned the old timers, develops rapport with quite a  
10 number of people. People he has done favors for.  
11 They have looked out for him. It becomes almost a family  
12 thing. So we got in this office. Well, we got in there  
13 and didn't have a key to lock the door. This was a nice  
14 big metal door. So Mr. Delaney held onto the handle.

15 I looked through the lock box, I found some  
16 wire, heavy wire. I wound this around some conduit in-  
17 side there, around the door handle and between him hold-  
18 ing on the door and this wire holding, they weren't able  
19 to force this door open.

20 In fact they tried so vigorously they had broken  
21 the handle off outside, which is a heavy metal handle.  
22 So they had nothing to grab with. By this time--

23 Q There was an inmate in this office with you  
24 too?

25 A Oh, I forgot about him. The clerk was working

1 in there. A little bit of a fellow. And he 1373

2 wound up going through this whole thing with us.

3 Q So there were three officers and a clerk?

4 A Three officers and a clerk. And later on  
5 this little clerk wound up under the desk for protection.

6 Well, anyway they tried to dislodge us. Well,  
7 first they took mattresses and tore them into pieces and  
8 set them on fire, tried to burn us out. This didn't work  
9 because it wasn't fast enough. Then they went out and got  
10 three fire hoses. I don't know what the pressure is on the  
11 fire hoses, probably 80, a hundred pounds. And in the  
12 meantime they were throwing soap chips in on us and brass  
13 polish, things of that sort. The three fire hoses hit  
14 us and washed us all around in that office.

15 At the same time this wasn't working quite as  
16 well as they expected so they went out and got long poles  
17 and started punching us with these poles, trying to get  
18 us away from the door and get the door open. I tried to  
19 protect Mr. Delaney as best I could, because he was hold-  
20 ing on the handle and received quite a lot of the injuries  
21 along my back from those poles.

22 Well, in my particular case, as I say with the  
23 water, I wound up over in the corner of this room and  
24 laying in about eight inches of water, I received quite  
25 a blow along the back there which knocked me down. And

1 while I am laying there trying to--I was now 1374  
2 pretty well used up. They had procured a gas bomb from  
3 somewhere and they dropped this in the window on top of  
4 us.

5 Q Before that did any inmate come by with a key?

6 A Well, this we didn't know about until we attempt-  
7 ed to get out but some inmate had gotten the key for that  
8 door and had locked the door.

9 Q Thinking he was opening it probably?

10 A Well, either that or it might have been some-  
11 body that was particularly friendly to us, thought he  
12 will lock it and then run off with the key somewhere.

13 Q So you couldn't get out?

14 A We couldn't get out. It was impossible.

15 Q Then somebody came by with a gas bomb?

16 A And dropped it on top of us. I was laying  
17 in this water, eight inches. I seen this little inmate  
18 under the desk. It was a kneehole desk. And, of course,  
19 we were getting most of this gas, you know. When that  
20 thing went off, I thought I was completely on fire from  
21 head to foot because we were thoroughly soaked and  
22 of course, gas will burn, and incidentally, I peeled just  
23 about all week from some of the blisters I obtained along  
24 my back. This was in the yard. But we now were at an  
25 impasse. We couldn't get out. There was now about, I

1 would say, 20 young people out there howling. 1375

2 Reminded me of some of Custer's last stand.  
3 With their pipes and, of course, if the door had opened  
4 I felt quite sure we would immediately be massacred  
5 right there in front of the door.

6 Well, as I looked, I finally got up on my feet,  
7 I thought if I'm going to die, I best be standing up here.  
8 I looked out the back end of this office which was a  
9 barred situation, faced the cells, and seen a black in-  
10 mate that I knew. I said to him, "What kind--" he is an  
11 older fellow. I said, "What kind of an outfit are you  
12 running here?" I couldn't think of what else to say to  
13 him. But he said, "Well, place yourself in my hands,"  
14 and he said, "You won't get harmed." He said "Open up  
15 the door."

16 I said "I can't open up the door. We're locked  
17 in here and we don't have the key." And you know, we  
18 could hardly see with that darn gas. By this time they  
19 had gone over to the metal shop and had procured a cutting  
20 torch, an acetylene cutting torch. Of course, one officer  
21 was in there with me, he didn't want to give up because  
22 he thought sure we would be killed. I told him, I said,  
23 "Well, look at the sparks coming through where the lock  
24 is." I said, "We have approximately two minutes before  
25 they burn that through and I am going to give up. I am

1 going to accept this man's word."

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2 I have known him for a while. And that is good  
3 enough for me. I told this man, I said, "Well, get out  
4 in front there when we come through the door." And so  
5 out we came and he had about four older inmates with him.  
6 They gathered around us and escorted us to D-yard.

7 This was down through the tunnel and into D-yard.

8 Q Were you hurt at all going--did anybody hit  
9 you?

10 A No. Not any of us was touched from the time  
11 he took us over. We had complete protection. His word  
12 was absolutely right and he done just what he said he  
13 would do.

14 Q What happened when you got into D-yard?

15 A Well, we were escorted over to--well, as we came  
16 out in the yard there was a large group of inmates out  
17 there, they were milling around. A lot of them were  
18 yelling. There were a few up on tables in the middle of  
19 the yard. They were making speeches. Some were for one  
20 thing. A few were for more violence. In fact they had--  
21 one group there wanted to kill us immediately and--so  
22 they put us over in the corner of the yard and they put a  
23 barricade of yard tables out to help protect us. It  
24 was in the southeast corner of the yard and they put a  
25 group of guards, inmate guards outside of the tables and

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1 then there was a group inside with us and many of 1377  
2 the officers that had come in the yard had been stripped.  
3 They had taken their clothing, put them on a pile and  
4 burned them. These were now standing behind the tables.  
5 When I come out, they said to us, "Strip." So I took  
6 my tie off, threw it in the corner. Took my white  
7 shirt off, which incidentally was all bloodied. I didn't  
8 realize it until I blot it off. My whole back was  
9 blood.

10 At this time a couple of inmates that were in  
11 the group, one said to the other inmate, no, not him.  
12 And so that was as far as I stripped, but they did strip  
13 the sergeant, they did strip the officer and then gave  
14 them a sheet to cover themselves up with. But while I  
15 am standing there, there was a young inmate that came  
16 over to where I was standing. I was standing near the  
17 outer part of this group, who--I think some of your other  
18 officers testified to this. put one of these gas guns up  
19 against my temple and I had the impression he had  
20 pulled the trigger on the thing, but I believe if it  
21 had been loaded, I would have lost my head immediately  
22 because that is a 37 millimeter type gun, an in and a  
23 half bore. At that close range, why, I would no longer  
24 have been a hostage. The other inmates chased him

25 About two or three minutes later, two of the

1 inmates came to me and they said, "We need  
2 medical help out here and you are the only one who  
3 can get it."

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4 I looked around at our hostages there and saw  
5 a few with broken arms and some were in bad shape. Some  
6 were in shock. There was one I seen him laying there,  
7 he was shaking. His eyes rolled back in his head. He  
8 was unconscious, I didn't know what was wrong with him.  
9 So I said to these two fellows, "How are you going to get  
10 me through that crowd there without perhaps being killed."

11 He said, "We will get you through." They took  
12 me all the way to A-block, to the gate that goes down to  
13 the electric gates. They had control of A-block, that is,  
14 the inmates did, but from the electric gate on down-  
15 wards, is where your Administration Building starts, there  
16 was a group of what I saw at the time was officers standing  
17 behind that gate and I shouted down and told of all the  
18 injuries, the one I had seen and asked for medication  
19 and a doctor so that we could help these people that had  
20 been hurt.

21 Up to now, as I say, other than seeing the blood  
22 on the back of my shirt, I didn't know I had been hurt, but  
23 apparently I had. So while I am calling down and explain-  
24 ing the situation, the two inmates that had escorted me  
25 over started yelling, "They've got guns," and they became



1  
2 frightened. So they immediately got behind me 1379  
3 and started backing me up, backing me towards D-block  
4 again, using my body as a protection in case, I would  
5 imagine their being fearful of shooting them.

6 I didn't see any guns myself, but they seemed  
7 to think so. So back in the yard we went and while we  
8 were out there in the corner, there was now intense  
9 arguments that were occurring in the middle of the yard.

10 We stood around probably for another hour or so.  
11 The one fellow that seemed to be in charge of our group,  
12 guarding us, come back and he said that they wanted at  
13 least eight hostages out in the middle of the yard and  
14 he said if we don't give in to this request we will  
15 have anarchy out here.

16 In other words, they wouldn't be able to hold  
17 the rest of us, but later on they moved all of us out in  
18 the yard where we remained until the day they rescued us.

19 Q Captain, what was the appearance of the yard on  
20 Thursday until you were blindfolded?

21 A Well, it reminded me--there was all sorts of  
22 chaos. There was the officers stand for one thing which  
23 ~~was~~ burning fiercely. They set this on fire. This was  
24 by the door. There were these people beyind me who were  
25 hurt. Some had broken bones. I think one fellow had a  
broken shoulder, a dislocated shoulder. All of them had

1 been beat in one form or another.

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2 Some quite seriously--

3 Q You are talking about the hostages?

4 A Yes.

5 Q The yard itself had the appearance of chaos?

6 A They were running and yelling. There was  
7 different groups that were out in the center and of course  
8 we couldn't hear what they were saying except that they  
9 would get up and make a lot of war talk and then every-  
10 body would cheer a little bit, not all, but the group  
11 that was around there and there were quite a number of  
12 inmates that got off by themselves, I would imagine they  
13 were frightened to be out there and thought probably  
14 this was some form of protection.

15 Q Did you get a sense of how many people seemed  
16 to be in support of the speakers?

17 A Gee, from what I have talked about and people  
18 since, I had--of course, this is my opinion, I had an  
19 idea that probably about 200 were running the show out  
20 there in one capacity or another and the other thousand  
21 were perhaps out there against their will. They had to  
22 go along with the program or perhaps they feared physical  
23 violence or being hurt.

24 Q This is based on their hanging back around the  
25 edges of the walls?

1 A Hanging back. Quite a numebr didn't  
2 seem to be in it. They were just out there. There were  
3 a--many of years I had been in prison, the older fellows,  
4 the older you get you lose your taste for physical  
5 violence anyway. There were many of htese. Many people  
6 that I had trusted over the years.

7 Q Other than the incident with the gas gun that  
8 you mentioned, were you molested at any time up until  
9 Monday morning?

10 A No.

11 Q How were you treated?

12 A Excellent treatment. We ate what they had, what  
13 they ate. They kept us comfortable. I remember, as I  
14 say we spent the first night on the ground, but they  
15 later on got us a mattress apiece to sleep on. One ex-  
16 ceptionally cold night I had one blanket and of course it  
17 was starting to freeze. I asked for another blanket and  
18 they took it--I heard later from another inmate and placed  
19 this over me and I was warm that night.

20 They then inside of a day started to dress the  
21 hostages in inmate clothes which is all that was avail-  
22 able. I myself had a couple inmate shirts on for warmth.  
23 I still had my blue pants and shoes and socks and under-  
24 wear yet. The rest were dressed either in grey coveralls  
25 or inmates' clothes which was a grey pants and shirt.

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1       ese are the clothes we wore until the end.           1382

2           Q     You listened to the speeches, you realized  
3 that there was negotiation going on, am I correct?

4           A     Oh, yes.

5           Q     Did you, from what you overheard, expect the 28  
6 demands to be accepted?

7           A     From where we sat I knew that some of these  
8 demands he was in the process of--he was working on  
9 them. I mean they still hadn't been given yet, but they  
10 were setting up the machinery to make this work. As we  
11 heard the demands, I don't really know, remember all of  
12 them now, but from where we sat they didn't sound too  
13 unreasonable.

14          Q     The inmate demands did not seem unreasonable?

15          A     Yes.

16          Q     When you heard that Oswald had agreed with  
17 them, did you expect them to be accepted, they agreed  
18 with everything except amnesty and the removal of--

19          A     It was fine until they brought the amnesty thing  
20 in. On the 28 demands, after this--he had agreed on this,  
21 I said to Sgt. Cunningham, I said, "Ed, I think we're  
22 going to get out of this here. This is going to work."  
23 But then I would say they brought a lot of speakers in who  
24 spoke from time to time and we couldn't always hear what  
25 they were saying because we were in the center of the yard.

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1           Then the incident of Billy Quinn, the  
2 announcement of his death and this is when things  
3 changed.

4           Q     In what way?

5                     Did the speeches change, did the rhetoric change?

6           A     No, before that in the yard, it was almost like  
7 a picnic out there. Holiday mood. Firest going on,  
8 individual cooking. A lot of kidding and joking amongst  
9 the fellows. This disappeared after Billy Quinn's, the  
10 announcement of his death. They now were worrying about  
11 perhaps charges, I would think, on the death, and then  
12 this is where the amnesty thing and perhaps going to a  
13 non-imperialistic country thing came up.

14          Q     On Sunday you spoke on television?

15          A     Yes.

16          Q     How did that come about?

17          A     I asked two days before and I had perhaps a  
18 selfish, a dual thing. We had no communication from out-  
19 side up until then between the department and ourselves  
20 or anybody. We were, I say, in an isolated--there was  
21 no communication. The inmates had communication. They  
22 had a phone up there. They were able to talk to the front  
23 end. We knew nothing other than what you would hear the  
24 guards would drop a word here and there and not at us but  
25 amongst themselves. I had, of course, asked to get out

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1 on television and perhaps talk so I asked this  
2 man that apparently seemed to be running things and I  
3 said I would like a piece of paper and a pencil so I could  
4 jot some thoughts down.

5 I didn't know when we were going on and ironic-  
6 ally I never got around to using the notes because I  
7 was escorted all the way to the stand blindfolded and at  
8 that particular time, that night. But the other dual  
9 reason I had for wanting to speak was my wife had had no  
10 word on how I was doing or--so I thought if I could get  
11 on television and let her see my face, that perhaps it  
12 would make her feel a little better and ease her mind.

13 So finally one night they came along and said,  
14 "Stay close to us, we have to go through five security  
15 areas out of this area we were kept and not to step out of  
16 line there between the security guards."

17 Well, that was the god-durnest speech I ever  
18 gave in my life. We got up there and I'm thinking  
19 about my notes. They then took my bandage off my eyes.  
20 I returned around and here is 1200 inmates. Boy, what I  
21 thought was a hostile audience looking me in the face  
22 after that bandage went off. There were groupings from  
23 outside, different visitors. Spotlights that they had  
24 somehow rigged and I couldn't see I could just about see  
25 that crowd of inmates out there. And there they sat

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1 waiting for me to talk.

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2 So I did the only thing I could do, I talked  
3 about the good treatment that we had got and the medi-  
4 cal help and the care and, of course, we hadn't been  
5 harmed up until then and they said then at that time do  
6 you want to talk to Governor Rockefeller. I said I would  
7 be very happy to. And I don't just remember all my  
8 speech. It was off the cuff.

9 Q What you said was, "Governor, we are here in  
10 the yard with quite a group of people and everything that  
11 you can do I am highly in support of. We lived for four  
12 days under the same conditions they are living in and we  
13 are 38 men who understand exactly what they are trying  
14 to get for themselves. Now it would seem a shame to  
15 waste a group of educated people like this."

16 There was a pause. "So here we are and we are  
17 waiting for your reply."

18 Does that sound familiar?

19 A That is just about it, as I remember it. One  
20 thing I specially remember, the inmates all clapped and  
21 shouted after so I think they were thinking along the  
22 same lines I was thinking.

23 Q Which was what?

24 A Which was that the waste of people out there.  
25 Here was 38 of us and perhaps we were going to die. I

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1 think this was on everybody's mind out there.

2 Whether it would be inmates or--of course, us, I would  
3 say especially because---you know, that four and a half  
4 days, I had been in World War II and I had a lot of com-  
5 bat but here was a thing out there in the yard. You  
6 were tied, your hands were tied part of the time. You  
7 had the blindfold on. And there isn't anything more miser-  
8 able having things happen around you and being blind-  
9 folded. They would yell, security. and then back on  
10 our eyes would go the blindfold. We would then sit there  
11 and you would hear a lot of shouting and a lot of what we  
12 interpreted as fighting.

13 This was apparently amongst themselves. So  
14 after you had been through two or three of these, you got  
15 the idea there was a certain group out there wanted  
16 to come in and probably harm you and this is what they  
17 were doing, was discouraging them.

18 Q Protecting you?

19 A Protecting us. Done an excellent job of doing  
20 this.

21 MR. LIMAN: I think we have to break for  
22 lunch. Now, we will resume at 2:00.

23 MR. McKAY: The hearing will be recessed  
24 until 2 p.m.)

25 (Whereupon, at 12:45 p.m. a recess was taken.)

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