

AFTERNOON SESSION2:00 P.M.

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3
4 F R A N K W A L D, resumed the stand and
5 testified further as follows:

6 MR. McKAY: This is the afternoon session
7 of the ninth day of public hearings of the New York
8 State Special Commission on Attica.

9 I was not able to hear just now the intro-
0 duction that was given to the Commission in these
1 hearings but I hope something pleasant was said
2 about us because I want to say something pleasant
3 about Channel 13.

4 Many of us have noted in the past the
5 extreme facility and encouragement that we have
6 been given by the National Education Television Net-
7 work in the weeks of our hearings so far. First in
8 Rochester, Channel 21 and now here in New York,
9 Channel 13.

0 I speak for all members of the Commission
1 in saying we think this has been a great public
2 service and we are much indebted to them for the
3 facility that they have made possible in allowing
4 us to hold the public hearings in this fashion to
5 make available the information we have to a large seg-

We continue this afternoon with Capt. Wald who had been sworn.

BY MR. LIMAN:

Q Captain, this morning you testified about your experiences in setting up this Diagnostic Treatment Center in Clinton. About how you found Attica upon your return. About the circumstances under which you were taken hostage About how you were treated in the yard and about your observations of the conditions in the yard.

The chaos at the beginning, the speeches afterward, the change in mood after the announcement of the death of Quinn and so forth.

I would like to now take you to Monday morning and first, Sunday night was a rainy night. Did you get much sleep?

A None at all.

Q Monday morning, tell us what your experiences were, what you observed and what happened.

A Well, after sitting in the rain all Sunday night and at times there was a heavy downpour. They had erected this shed over our heads which were composed of four inch board with a lot of cracks and the water ran down through and on us and I'd say in about ten minutes

1 had some message from the front end and this 1390
2 now was a message, I think, from Commissioner Oswald at
3 the time. We couldn't hear because the loud speaker
4 thing was off at the time.

5 They called all the inmates in front of this
6 leadership stand, which was over the other side of the
7 yard. They then gave out the message that Oswald had
8 sent in which subsequently amounted to accept the 28
9 demands or we will give you an hour and we will come in.

10 So they then called all the remaining inmates
11 over. There was a lot of shouting at the time and they
12 held a vote on whether to accept the demands or not.
13 From where I sat, it sounded almost as if everybody agreed
14 to not accept it. There were a few shouts, this is
15 war and we now will prepare for war.

16 Well, at this time there was a lot of shouting
17 out in the yard area, different groups running around and
18 I would imagine getting their weapons. We had the
19 barricade or the shed that they erected over us, they start-
20 ed now to dismantle this. They started to tie our hands
21 and feet, put blindfolds back on our eyes again. I re-
22 member everybody seemed to be very emotional out there.

23 They were excited, frightened. We were too.
24 Before the blindfold went on my eyes, the point I specially
25 remember was two inmates standing about 40 feet out in

1 front of us and they were yelling to the people 1391
2 that were guarding us to let them come in and kill us
3 and one of them had a pickaxe in his hand. The other
4 one had a large iron club and that was the last thing I
5 seen when the bandage went on my eyes, which wasn't a
6 pleasant thought.

7 And so they sat us down again under this--then
8 they decided to dismantle the shed. They took the boards
9 off. One of them fell down and hit me on top of the
10 head.

11 Of course I flinched. The man standing there
12 said no, not yet, he says, you're not going to get it
13 yet. They started to take some groups of hostages away.
14 I could at this time smell something like gasoline or
15 paint thinner in our area. I later learned from conver-
16 sation, somebody said that they poured this in pits and
17 apparently were going to ignite it, which they didn't do
18 anyway.

19 I was led probably about a foot in front of
20 where we were standing. I was in the center of the yard,
21 in the hostage area. At this time the thing that I
22 noticed especially was the guards that had been guarding
23 us were now relieved and I heard one of the inmates re-
24 fer to the ones relieving these people, he said that these
25 were now the soldiers.

1 Later on they called them executioners. 1392

2 I had a man standing on back of me, apparently assigned
3 to me, who stood me up. He stood back of me. He must
4 have been a little shorter than me because he kept bend-
5 ing my head back and I was having difficulty holding my
6 balance and he had a sharp instrument back of my Adam's
7 apple. I carried the mark on my neck for about a month.

8 Q How were you being held? Can you show it with
9 Mr. Rossbacher?

10 A Well, he stood on back of me. He held my head
11 back like this and he had this sharp instrument on this
12 side of my Adam's apple.

13 Q What happened after?

14 A Well, he got carried away a little bit, every
15 few minutes, you know, and that thing would press in
16 sort of deep and I thought sure I was going to get my
17 throat cut then. There was somebody else in the area,
18 apparently he was in charge of this group that kept saying,
19 "Don't hurt or harm any of them unless we are harmed."

20 Up until this time in the entire--while I was in
21 the yard, I hadn't given up any hope. I thought possibly
22 some solution could be made to get us out of there before
23 any of us were hurt. This is the point where I had now
24 given up and prepared to die. I said a couple prayers and
25 waited. The knife was still in my neck. We probably

1 stood there, oh, I'd say, a half hour in that

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2 position.

3 At this time I heard some of the inmates yell,
4 "Here they come." Of course, we were blindfolded, we
5 couldn't see. I heard the first tear gas cannister ex-
6 plode and go off. This was dropped by a helicopter. There
7 were a few stray shots at this time. Apparently the man
8 that was holding me now disappeared. I later learned
9 that he had been shot off my back. I never did see him.
10 I don't know who he is to this day, but he disappeared.

11 At the same time now there was a lot of what I
12 thought were shots being fired. It sounded like fire-
13 crackers around us and I heard what I felt was a loud
14 explosion, but apparently what it was, somebody had hit
15 me back of the head with a baseball bat and I became
16 unconscious at this time.

17 I fell to the ground and when I woke up, why I
18 still could hear voices around me and I thought, well,
19 I'll concentrate on not coughing or sneezing because of
20 the tear gas, or moving, because possibly those fellows
21 are still around, they might kill me right then and
22 there. Then I noticed the voices were different than what
23 I had been listening to all week, so I took my thumbs and
24 took the bandage from my eyes and about six or seven
25 feet from me was a very large trooper standing there and

1 giving orders to people around.

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2 I, at this time was dressed in half a prison
3 uniform. I had an inmate shirt on. I realized at
4 this time with all this going on I was still alive and
5 then I thought possibly I might be harmed maybe by the
6 troopers so I rolled over on my back and didn't move
7 but started to yell at this man to identify myself and
8 finally he seen me.

9 Of course, you must know this yard now is full
10 of tear gas. It was real thick. He could hardly
11 recognize anybody say 20 feet away it was so thick.

12 He then come over and I told him who I was and
13 he said, he said "My God," he said, "We have been look-
14 ing all over this yard for you."

15 He then cut my bonds. Somehow I had lost a
16 shoe by this time and he got me up. I walked about four
17 feet. I then had about, I would say 10 or 15 inmates
18 on their knees in front of me begging me to save them.
19 And so I took the time out to point out some of the fellows
20 that were helpful. I don't know whether anybody heard me
21 or not. But he then escorted me out of this area be-
22 cause there were still a lot of people running and yelling--

23 Q Were you still hearing gun fire at this point?

24 A No, not at this point. It had stopped. I
25 don't know how long the gun fire went on--

1 Q You were unconscious?

2 A Yes. When I woke up I heard one or two stray
3 shots and that was it. I don't know how long I was out.

4 Q The trooper said when he found you that they
5 had been looking for you--

6 A All over the yard. Apparently I was one of
7 the last ones to come out.

8 Q You were taken to the hospital?

9 A Yes. And we had to walk out and of course,
10 jump one of these ditches. I had to go up a ladder on
11 the tunnel and walk on out to the front end of the insti-
12 tution. You know, I think the thing that bothered me the
13 most was not having that one shoe on, you know, going
14 through the puddles in my stocking feet, which is silly
15 at the time.

16 Q How long did you remain in the hospital, Cap-
17 tain?

18 A About two weeks.

19 MR. LIMAN: We are going to be exploring
20 the mood of the town and the people and the troopers
21 and others in the area and as pertinent to this I
22 would like to ask some questions of your wife, who
23 is here.

24 Mrs. Wald, there are two things.

25 Mrs. Wald, you live in a state house or you

1 lived in a state house adjacent to the prison, 1396
2 am I correct?

3 MRS. WALD: Yes, sir.

4 MR. LIMAN: Will you speak into the mike?

5 MRS. WALD: Yes, I will.

6 MR. LIMAN: That was in what was known as
7 the Boulevard?

8 MRS. WALD: It is state property.

9 MR. LIMAN: All of the houses there are
10 houses that were assigned to various officials of
11 the prison, am I correct?

12 MRS. WALD: That is correct.

13 MR. LIMAN: Let's see if Mr. Rossbacher
14 can point to the area where it would be.

15 When did you learn that your husband had
16 been taken hostage, Mrs. Wald?

17 MRS. WALD: The first I heard that he was
18 a hostage, I heard it on the radio. They said that--
19 of course, I had seen smoke from the prison, the
20 siren blew for two hours and I went to my neighbors
21 to have coffee because I--she was new in this type
22 of business and I know what it is when a prisoner
23 had escaped. We weren't afraid but it was always the
24 fear we lived with. I went there to have coffeee.
25 She turned the radio on and the first words I heard

1 was hostages, Lt. Wald. I knew it was my 1397
2 husband because they had the title changed but I
3 knew it was him. And I also--the next thing was the
4 sergeant who lived two doors from me. I knew it was
5 him. And that is the only word I had.

6 MR. LIMAN: How were you kept informed of
7 the condition of your husband during this period,
8 Mrs. Wald?

9 MRS. WALD: I had no way of knowing whether
10 he was alive or dead because there was no one called
11 me, no one told me. The only information I got was
12 what was put on the radio.

13 MR. LIMAN: And Mr. Pfail--

14 MRS. WALD: Mr. Pfail, next door, who was
15 the assistant deputy, did stop at night and say,
16 "Don't worry, he is still alive."

17 MR. LIMAN: Were there also rumors that were
18 floating around as to the condition of the hostages?

19 MRS. WALD: There was all kinds of rumors.
20 Over the radio, it was just a horrible thing. No-
21 body can understand it.

22 MR. LIMAN: Mrs. Wald, there were families
23 of hostages that went and waited outside of the
24 Administration Building. You were not--

25 MRS. WALD: I did not go there. There

1 were too many people, too much confusion. 1398

2 We couldn't even go to the store to get a loaf of
3 bread, which I had given what food I had in my
4 house that afternoon to feed the prisoners who were
5 out on what they called trustees. They worked around
6 our home and they had had no lunch, so I had given
7 what I had to them for something to eat and we
8 couldn't even get down our street to go to the store.
9 It was impossible.

10 MR. LIMAN: There were crowds of people,
11 demonstrators--

12 MRS. WALD: Cars. Constant cars rode up
13 and down the street. We were just--we were just on
14 exhibition.

15 MR. LIMAN: Did demonstrators arrive one
16 day?

17 MRS. WALD: Yes, on Sunday we had one of the
18 worst demonstrations and all they kept screaming
19 is "Kill the pigs, kill the pigs."

20 MR. LIMAN: How were you informed that your
21 husband had been rescued?

22 MRS. WALD: I also--someone did call the
23 house and say that my husband had gone through the
24 gate, that he was alive. We waited and the next
25 thing I knew, through my son-in-law, we found out

1 that he had been taken to the hospital.

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2 We proceeded to Batavia and found him there.

3 MR. LIMAN: I thank you.

4 MR. McKAY: Thank you, Mrs. Wald.

5 Capt. Wald; I think several of the Com-
6 missioners have questions. I would like to start
7 with Mr. Rothschild at my extreme right.

8 BY MR. ROTHSCHILD:

9 Q Capt. Wald, I think you heard this question
10 earlier in the day. We have heard a great deal of tes-
11 timony from a variety of sources on this whole event and
12 one of the things that's been discussed at some length was
13 whether or not this kind of a hostage taking should be
14 reduced at once or once having embarked on negotiations,
15 whether further time would have been productive. I would
16 be interested in your thoughts on both aspects of that.

17 A In answer to that, the usual practice in the
18 past has been to go in right away. In this event this
19 did not occur. It got into a negotiating thing. I be-
20 lieve Mr. Oswald was perhaps considering the hostages'
21 lives at the time. He is a very humane man. And after
22 two days out there I thought myself this was going to work.
23 It looked almost, one night, as if we would have been out
24 of there but then with the announcement of the death of
25 Billy Quinn, one of the inmates up at the bargaining table

1 announced after they announced the death of Billy 1400
2 Quinn, he said, well now, this is an entirely different
3 ballgame. And then the mood in the yard changed as far
4 as probably solving the thing by negotiation.

5 Then the end result was when they did come in--
6 but I would say this. On Sunday there seemed to be a
7 breakdown in, oh, morale. There was a lot of apathy.
8 People were, like myself, we were the same way. We
9 were depressed. There were different groups in the yard.
10 I don't know who they were, different factions. They
11 were now starting to disagree with one another and they
12 were starting to come apart and I had the feeling--

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14 (Continued on page 1401.)
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MR. McKAY: May I interrupt 1401

you for a moment and I hope you will want to continue after what I have to say.

You may not be familiar with our practice last week, but each of three successive afternoons we received a telephone bomb threat and then we had a respite.

Today we have had one again. I believe that it's not necessary to discontinue the hearings because the effective police squad in charge of those matters searched the building this morning before we came and has searched all packages and parcels that have come in since then, so we think it is not a serious threat and I think many of us will stay, but any of us who is alarmed is free to leave now.

I hope that you are willing to continue.

THE WITNESS: Yes, I am.

MR. McKAY: Thank you.

THE WITNESS: I would say different groups in the yard at this time were starting to disagree with one another and there seemed to be a difference of opinion and I had the feeling at this time that perhaps, you know, another day they would perhaps be fighting with each other.

1 up without any loss of life.

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2 I wonder--no one knows. I would like to get
3 your own guess on that one.

4 A Monday morning quarterbacking. But I think
5 that that morale thing was the thing that had to be
6 reckoned with because if these different groups who
7 were now starting to disagree with one another would
8 state to separate, there would no longer be the
9 cohesion of the original thought, that is, to get what
10 they wanted originally, which was the many changes
11 that they wanted.

12 This now might have ended up in a big old
13 brawl out in the yard between the various factions,
14 so, I mean, this is a problem that you would have to
15 give thought to.

16 Q What do you think would have been the fate
17 of the hostages in such an event?

18 A Well, from where we were and where we were
19 around, the number of groups, there were still quite
20 a number of people out there that were, I would say,
21 friendly towards us and would have perhaps attempted
22 to protect us, but I think possibly we would have died
23 right there, because there were many people out there
24 who were upset, mostly upset. They were carried away
25 with the thing. Probably the success of it.

1 I looked out in the yard, there
2 were many people I had been very friendly with over
3 the years and had done things for them and solved a
4 lot of their problems and I knew I had no fear of these
5 people.

6 There were at this time, as I noted out in
7 the yard, due to emotional strain and excitement,
8 there was probably about five, six fellows that now
9 had become a little psychotic, you know, acting in a
10 bizarre fashion and Lord knows how many more out there
11 were perhaps in a similar condition, but who were
12 sitting there quietly so you had all these things
13 that were happening.

14 MR. ROTHSCHILD: Thank you, sir.

15 MR. McKAY: Mrs. Guerrero.

16 BY MRS. GUERRERO:

17 Q Capt. Wald, I was very much interested in
18 your story of the place where you spent three years in
19 with all the psychiatrists and psychologists and all
20 that. And the wonderful results because these were,
21 as you said, really hard core, what they call hard-
22 core criminals, repeaters and so forth. If we continue
23 this and we are going to talk the language of the
24 prison...

25 Now, you said, I had a question before but

1 you already answered it, because you said 1405
2 at least 278 of these people were rehabilitated. That
3 mean thty were really out of jail.

4 A Yes.

5 Q On parole.

6 Now, if this same approach should be used
7 for first offenders, don't you think that the results
8 would truly be fantastic?

9 A Well, I think so but, you see, when you get
10 into a treatment program, this costs money. You know,
11 if you are going to be realistic about it.

12 For instance, that program I left up there,
13 it costs \$11,000 per year per inmate. You are using
14 up a lot of this on professional help, you know, and
15 this comes high.

16 It was a smaller group of about a hundred
17 men, which is ideal as far as treatment goes. You
18 get into large groups and--such as a prison that size,
19 it becomes more of a holding thing, you know, and
20 waiting for time to go past.

21 Incidentally, at Attica when I did come back,
22 they had two group therapy sessions going on. I'm a
23 firm believer in group therapy because how else can
24 you understand a problem unless you air it and get
25 it out where everybody hears it.

1 I now had built this up to 12 groups 1406
2 and I also had a dual purpose for doing this. Many of
3 the officers that you heard people talk about who
4 were probably a little on the rough side or their thing.

5 I managed to get a number of these people
6 into the group therapy classes and so in six months
7 they arrived at a great understanding with the problems
8 of the inmates which perhaps they couldn't have got
9 any other way, only through that class.

10 And I always thought this was very success-
11 ful.

12 Q Of course, we know that money is the problem
13 but other than that, even if it costs \$11,000 and you
14 can save three or 400 people a year, that will bring
15 down all those people that will be productive citizens.

16 Do you think, with your experience and
17 obvious compassion, do you think this was prearranged,
18 this thing at Attica? It was a group of people who
19 thought about it and arranged the whole uprising or
20 was it something that happened, internal combustion,
21 because of the way they feel about prison?

22 A I would say this: There was a lot of inner
23 feeling there that morning, an explosive type. At
24 first it didn't appear as if anybody was running this
25 or sponsoring it, but later, as Lt. Curtis said, he heard

1 these fellows yell, "Squad 1, take this 1407
2 position. Squad 2."

3 So there must have been an organization.
4 It must have been going on for quite some time.

5 I think that particular morning it was a
6 spontaneous thing and probably what happened the night
7 before was the thing that triggered it and mostly
8 through rumor.

9 In a prison everything runs on rumor whether
10 it's true or not and once you get a rumor started, it's
11 hard to dispel it or get the truth out. And I think
12 this is what happened during the night.

13 MRS. GUERRERO: Thank you very much.

14 MR. McKAY: Bishop Broderick.

15 BY BISHOP BRODERICK:

16 Q Captain, you were the highest ranking hostage,
17 weren't you?

18 A Yes.

19 Q I was somewhat surprised to hear that no one
20 communicated with you in the yard, the observers who
21 were in and out, the Commissioner, the Deputy Commis-
22 sioner, the Chaplin, nobody.

23 So it seems the only way you had to get in
24 touch with the outside world to get to your wife or
25 others was through this television.

1 We heard some reports that some of 1408
2 the hostages who spoke on the television were saying
3 something but meaning something else.
4

5 Was there a coded message you had?

6 A No.

7 Q You really meant what you said and you
8 said what you meant?

9 A That's right. It was an off-the-cuff thing
10 and I was trying to get word out to her. In fact,
11 when I finished I gave her a big wink to let her know
12 I was still up there and in the game yet.

13 Q Concerning the Governor's appearance, did any-
14 one provoke you to ask his appearance?

15 A No. This was my own thoughts.

16 Q Do you know whether any of the other hostages
17 who spoke that day on television were asked to mention
18 the Governor's coming?

19 A No. Because they gave you a pointed question,
20 after you got through with your message they said,
21 "Now, would you like to speak to the Governor?"

22 Of course, this was the only opportunity we
23 had and so we did. I gave that speech, which was an
24 off-the-cuff thing and in front of that crowd, but
25 apparently I was thinking along the same lines they
were.

1 BISHOP BRODERICK: Thank you. 1409

2 MR. MCKAY: Mrs. Wadsworth.

3 BY MRS. WADSWORTH:

4 Q Capt. Wald, I would like to return to the
5 diagnostic and treatment center for just a minute.

6 You gave the amount to Mrs. Guerrero of
7 \$11,000 as the annual amount.

8 With what would you compare that for the
9 regular institution figure, 4000, 6000?

10 A I would say about 5200 now because of rising--
11 at the time I was up there, probably your prisons ran
12 on around 4000.

13 Q We are talking about twice as much?

14 A Definitely.

15 Q Is there any kind of continuing evaluation
16 being done about this system by someone outside?

17 A I don't know now, but at the time I was
18 there they had a control group with a like sentence,
19 like type of crime in the prisons and they compared
20 the control group with our group when they went out
21 for comparison of statistics.

22 They said at this time it would take five
23 years in order to evaluate this proposal. I think
24 the five years are up. Well, they are now, just about.

25 Q Is there some way we can look forward to

1 hearing the results of that evaluation? 1410

2 A I think this should be published through
3 your Department of Correction Publicity Department.

4 They had and they were in the process of
5 making brochures up and, of course, they were making
6 constant brochures while I was there, but they should
7 have the sum total of it soon, I would think.

8 Q Without that kind of firm result, do you
9 have any feelings about whether anyone up there is
10 listening, do you think this is an idea which is
11 watching on with the powers that be?

12 A Well, let me tell you about what--when I
13 went up there I had so much resistance towards this
14 program because much of what we were trying to put
15 in is things that they are suggesting now and then they
16 gave us the name of Petticoat Junction which, you know,
17 I'd come out of maximum security and here I am caught
18 up in this thing and I still wasn't a firm believer
19 in the beginning until I seen the value of it and gee,
20 this would be from fellows I had worked with years
21 before somewhere else, you know, and so you just dig
22 a little deeper.

23 We had night programs. I had outside base-
24 ball teams come in, outside basketball teams, I had
25 bowling until 11:00 o'clock at night, I had my officers

1 playing ping-pong and bridge with the inmates. 1411

2 We were doing all the unorthodox things
3 and everybody threw their hands up in horror and
4 they said, "This is the living end."

5 But, I proved in three years it was not
6 the living end. In order to make change through
7 treatment, you have to have rapport and how else on
8 a total team approach, you got to get the officers
9 involved in on it and this is--it took me over a year
10 to get them to where they would even attempt to work
11 at it.

12 Then they seen that this was perhaps an
13 easier way and our end results, we became almost like
14 a family up there on the thing.

15 We had birthday parties, we had regular
16 parties. We had drama classes at night. We put on
17 plays. I seen Fiddler On The Roof the other night.

18 We put a play on called The Rain Maker which
19 I think was better than this. And I paid \$10 and
20 something a ticket to watch. But these were all the
21 interesting things.

22 And, you know, another thing, with the
23 games, I think one of the most interesting things I
24 found out and we had very many New York City inmates.
25 I found out that gee, the basketball games, the base-

1 ball games, many of these people had never 1412
2 lived by any rules at all so they had to learn them
3 in there and this was the hardest part.
4

5 Of course, we gave them as much control as
6 we could with committees and things of that sort and
7 I was the sort of a godfather to the whole thing, but
8 it was an unusual experience.

9 MRS. WADSWORTH: Thank you very much
10 for bringing the positive and hopeful nod that
11 we have been needing.

12 THE WITNESS: It's there if you reach
13 out for it.

14 MR. MCKAY: Mr. Marshall.

15 BY MR. MARSHALL:

16 Q Capt. Wald, can you tell me, maybe you don't
17 know, but if you do, what standards are used for choos-
18 ing inmates that are going to be admitted to that
19 program at Clinton?

20 A The diagnostic treatment center?

21 Q Yes.

22 A Well, at the time I left you had to have at
23 least 18 months sentence to go yet. We were just
24 starting to take in alcoholics. We didn't have that
25 on the list, or drug users, we were taking some of
those.

1 They didn't bar you out for 1413
2 hostile behavior in the prison. You couldn't be
3 psychotic to come into the program. But we then took
4 in a pilot program of 16 sex offenders whom they
5 studied and evaluated and done marvelous work with.

6 Actually, you weren't picked. If you wrote
7 in and asked, usually you--if you didn't meet all
8 these other things, being psychotic and things like
9 that, they took just about everybody.

10 Q Who did the choosing?

11 A Well, they would submit the names to Albany
12 and Albany would say, here, we have so many inmates
13 available for your program.

14 Well, then the parole officer would come out
15 and to show how this was run in sort of not a picked
16 group sort of a situation, he would usually come out
17 to me or one of the other men out there and he would
18 hold ten cards up, these are the identification cards
19 of the inmates. You couldn't see their names.

20 He would say, "Pick five." So you would
21 pick five out and those five would come to the
22 diagnostic treatment center and the other five would
23 go to a control group.

24 So it wasn't like most programs where you
25 pick the easy problems so we were getting some dandies

1 from time to time.

1414

2 Q Capt. Wald, you referred to a Lt. Curtis'
3 testimony with respect to hearing orders given to
4 squads.

5 Did you, yourself, hear or see anything like
6 that?

7 A No. Not at any time in my area.

8 Q One final question: Lt. Curtis said this
9 morning that he thought that his men, that is, the
10 correction officers, could have retaken the institution
11 on Thursday with clubs and gas.

12 Do you agree with that?

13 A I think he was thinking along in terms of
14 the disorganization at the time. There was no set
15 leadership that was directed or controlling the thing.

16 There were groups running around and yelling.
17 Perhaps in this confusion they could have come in,
18 maybe with--and taken the thing over. At least they
19 could have isolated block by block.

20 I think this is what he was referring to,
21 due to the confusion.

22 MR. MARSHALL: Thank you.

23 THE WITNESS: And, incidentally, before
24 I forget it, this DTC, I seem to be on the stump
25 out for this--

1 MR. LIMAN: Diagnostic treat- 1415
2 ment center?

3 THE WITNESS: Yes. You have a fortune
4 society in this that at one time while I was
5 up there said it was the only bright spot in the
6 Department of Correction.

7 I wanted to get this in before I for-
8 got it.

9 BY MR. MARSHALL:

10 Q Capt. Wald, on that point, since you are
11 making an indication for that, I suppose that the
12 \$11,000, if there is a decrease in recidivism, has
13 to be compared with the cost of running people back
14 through the prison cycle.

15 A It's much cheaper. I think the average
16 taxpayer doesn't understand this part of it. You
17 only get the end result of a man going to prison and
18 perhaps the cost of keeping him there.

19 But if you can keep him out due to some
20 treatment, training or his own motivation, you now
21 got a taxpayer on your hand that's paying into the
22 pot instead of taking out and this is a much better
23 situation than the other way of prison and punishment.

24 MR. MARSHALL: Thank you.

25 MR. MCKAY: Mr. Henix.

1 BY MR. HENIX:

1416

2 Q Capt. Wald, I only have three questions.

3 In reference to the diagnostic center, I
4 know the program that I am the director of has a
5 program in Greenhaven institution.

6 You mentioned the fortune society and their
7 statement in reference to the program which you had
8 at Clinton.

9 I think one of the differences now, correct me
10 if I am wrong, between Reality House Prison program
11 and the program that you are talking about, one of
12 the basic differences is that we have community people
13 that we transport from New York City inasmuch as the
14 majority of inmates there are New York City residents
15 and who can identify with them to actually run these
16 groups and train these officers and sympathize them
17 into the needs of the people they are supposed to be
18 servicing.

19 Is this--has any of this taken place in the
20 diagnostic center in Clinton?

21 A You mean the help--

22 Q You mentioned college kids.

23 A Well, they are from all areas. They go to--
24 we drew heavily out of McGill University, Plattsburg
25 College and this is a group--quite a number of New York

1 people there.

1417

2 It was more, a more freer atmosphere.

3 You could bring these people in.

4 Q I think my question is more or less, are
5 there any ex-cons involved in the rehabilitation pro-
6 cess?

7 A There wasn't up until I left, but there was
8 a movement towards this and I don't know whether it
9 ever came about since I left. But this was a step in
10 the direction they were taking at the time.

11 Q I have another question in reference to that,
12 sir.

13 I understand that the people who are inmates
14 of the facility came from different institutions.

15 A This is true.

16 Q How many or were there any black staff
17 involved in the diagnostic process or black inmates
18 involved in the treatment?

19 A Well, with the inmates, they were all part
20 of the treatment.

21 Now, we had some black staff, psychiatrists.
22 We had one psychologist at the time. Excellent people.
23 I mean, they were out of this world and, in fact, we
24 had a lad from Ethiopia. We had people from all over
25 the world, England, Ethiopia. Some out of Cuba. There

1 was a few German people in there. A couple 1418
2 of Italian.

3 We had people like Karl Menninger coming
4 in there and, of course, working with the program
5 for a few days.

6 It was sort of an international thing. I
7 was exposed to things I had never seen before in my
8 life.

9 Q Did any problems come out of the fact that
10 you had blacks who were actually working with the
11 inmates?

12 A No. You know, it's an amazing thing now.
13 You talk about blacks and then they talk about
14 militant groups and all that, but every once in a
15 while we get a black in who is very militant, you know,
16 out of the prison system.

17 Well, now, we use what they call the voodoo
18 approach to a problem like that. You give with the
19 problem instead of resisting it and let the man throw
20 himself.

21 So we would make him chairman of the black
22 studies and chairman of the--we would have a symposium
23 or something like that at the college, we would make
24 him chairman of the black--you know, it was amazing.

25 This fellow here, who thought he knew every-

1 thing about it, knew nothing and then we 1419
2
3 would provide the books to give him the education so
4 he could amount to somethig and this is how they
5 handled the problem.

6 Q This is not the way it's handled in most
7 institutions?

8 A No.

9 Q So it's really, the fact is people start
10 talking black, I noted most of the times it's
11 interpreted as being militant.

12 A That's correct.

13 Q If I can understand you correctly, it
14 doesn't mean that at all. At least it didn't mean
15 that at the diagnostic center?

16 A No. It was a free-wheeling outfit. We
17 developed a thick skin because we were under a lot
18 of criticism.

19 You see, in order to make change in people,
20 people become frightened of this. Whether it's our
21 side of the fence or the other side. Even the inmate
22 becomes frightened of it because he is now going into
23 something that perhaps he knows nothing about and he
24 is on shaky ground.

25 Many of those we discharged, I would send an
officer down with him to the bus and who would sit

1 there--some officer that he related to, had 1420
2 rapport with, and he would buy him a cup of coffee.

3 The fellow would shake so much he couldn't
4 get the cup up to his mouth because he was going up
5 to a new way of life and he wasn't too sure about it
6 himself. He was frightened.

7 It was an interesting thing that I found on
8 this, was your change in people has to come because
9 a person wants it. It's like an alcoholic, you can't
10 cure him unless he wants to be cured.

11 Q You have to provide an opportunity for this
12 to take place?

13 A That's right. You give him the opportunity.

14 Q The only other question I wanted to ask you,
15 you had mentioned in the yard at the time of the take-
16 over which I still am not clear on.

17 You said there was 15 or so inmates on their
18 knees begging you to save them.

19 A That's right.

20 Q What was taking place at this point, that
21 caused 15 men in this position--

22 A I don't know. At this time I had the bandage
23 off my eyes. I was on my feet. This was after the
24 so-called invasion. I was rocky. I had been hit in
25 the back of the head with a ball bat or something.

1 Here it was. It looked so unreal to me, 1421
2 too, at the time.

3 Q You don't remember any--

4 A There were some of them there that I knew
5 very well and I suppose maybe they thought I could
6 do something about it. At the time I couldn't help
7 myself.

8 Q I thought maybe you had some idea because
9 you said you did recognize a few of these inmates as
10 people that you knew.

11 A Yes.

12 Q I thought maybe you had observed other things
13 going on around, because in order for me to see myself
14 in that position, it would have to be pretty bad.

15 A Let me tell you: I didn't realize how bad
16 I was when I went out. I went up that ladder, A-
17 block, the tunnel, and before I got to A-block, I
18 am still walking, I don't remember a thing from the
19 top of that tunnel until I got in the ambulance and
20 they were starting to pour this oxygen to me.

21 I was walking but I must have blacked out
22 all the way out.

23 MR. HENIX: Thank you.

24 MR. McKAY: Capt. Wald, that completes
25 the questions from the members of the Commission.

1 If you wish to make a 1422
2 separate statement of your own at this time, we
3 would be glad to hear it.

4 MR. LIMAN: Maybe at the cost of missing
5 your plane.

6 THE WITNESS: Just a minute. It's money
7 that you need. Smaller institutions, because
8 prisons are, of course, taking over of parent
9 guidance, guidance. And, you know, miracles
10 are not always possible at this end of the
11 correction game.

12 That's all I have to say.

13 MR. MCKAY: Thank you very much for
14 being with us and sharing your views with us
15 today, Capt. Wald.

16 (The witness was excused.)

17 MR. MCKAY: Mr. Liman, will you call
18 the next witness.

19 MR. LIMAN: Mr. Huen. This will be
20 the completion of the testimony of Mr. Huen.
21 We had taken him up to the point of the police
22 assault on the morning of Monday, September 13th
23 and Judge Willis will examine him from now on.

24 He has been sworn and he continues
25 under oath.

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22 assault on the morning of Monday, September 13th
23 and Judge Willis will examine him from now on.

24 He has been sworn and he continues
25 under oath.

1 FRANCIS HUEN, recalled as 1423

2 a witness, having been previously duly sworn,
3 resumed the stand and testified further as
4 follows:

5 EXAMINATION BY JUDGE WILLIS:

6 Q You had carried us to your past experience
7 with the New York State Department of Correction;
8 your impressions and your experiences at Attica up to
9 the 8th and the 9th of September 1971; the events as
10 you viewed them in the yard and clear up until the
11 time when the actual retaking of the institution was
12 about to commence.

13 I would like you, in your own words, to tell
14 me, at the time of the retaking, were you in C-block,
15 if you can so indicate on the diagram.

16 A That's D-block.

17 Q D-block, that is.

18 A At the actual time of the commencing of
19 firing and the gas attack?

20 Q Yes.

21 A I was approximately here.

22 Q Would you tell us and recount for us what
23 you did, what your observations--I will interrupt as
24 infrequently as possible, but I would like you, in your
25 own words, to tell the Commission and the public your

1 experiences, what you saw, what you did and 1424
2 your impressions from that time.

3 A Well, when the assault first started, I was
4 standing pretty well up against the wall here with a
5 group of inmates that I knew and I was standing there
6 to be as far away from the hostages, which were
7 approximately here.

8 The helicopter that was spoken of this
9 morning, that first came over and circled the yard,
10 I observed that. And then---

11 Q Mr. Huen, try and speak as much as you can
12 into the microphone.

13 A I will.

14 There was a second helicopter, a larger
15 military-type looking helicopter which flew up over
16 the building here, very, very low and it seemed just
17 as it got to about this point gas began coming out
18 of the helicopter and coming down into the yard.

19 Approximately the same time a group of
20 troopers, there were groups of troopers pretty well up
21 on the top of this roof here on A-block yard and
22 others, but these were in my line of sight and they
23 began to fire, began to commence firing something; gas
24 guns or shotguns or what, I don't know.

25 It had been raining and misty and so forth

1 that morning. I had a blanket up over my 1425
2 shoulders and sometimes up over my head.

3 Pretty quickly after the firing started and
4 particularly after the gas began to cover the yard
5 pretty much, I tried to keep the gas out of my eyes
6 and out of my nose by holding the blanket over my
7 head and this wasn't a matter of moments.

8 I and practically everyone else that I saw
9 in my line of sight hit the ground to get out of the
10 line of fire.

11 Q When you hit the ground, were you able to
12 observe anything at that time, when you hit the ground?

13 A Simply that just about everybody else was
14 doing the same thing.

15 Q So you observed no inmate resistance to
16 the attack?

17 A No, I saw none whatsoever.

18 The only thing I did see was a walkway here
19 and a large hole had been dug, maybe ten feet in front
20 of me. A fellow who had been standing right near
21 there collapsed on the ground as we all did and he
22 was a little bit more exposed, he was out on a side-
23 walk and he started crawling toward that hole and
24 somebody yelled to him, "Don't go in the hole, don't
25 go in the hole." And he didn't. He just stayed covered

up.

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1
2 I heard a lot of shots continuous every-
3 where. I had the feeling I wasn't being shot at,
4 although I did find out later there a few men within
5 feet of me got hit pretty bad. I didn't feel I was
6 being shot at at the time.

7 This went on for perhaps five minutes, a
8 very heavy concentrated fire. Then there was an
9 announcement made from one of the helicopters that
10 had been circling the yard all the time that we were
11 instructed to put our hands on our head, move toward
12 the B-block corridor and D-block corridor and I was
13 a little bit hesitant.

14 I didn't want to stand out of the crowd and
15 seem to be rushing toward an officer or anything of
16 that nature and at the same time I didn't want to
17 be somebody that was falling back, seemed to be
18 falling back.

19 When I saw that everyone else was beginning
20 to follow these instructions, I heard movement, I
21 got up and got into the crowd myself.

22 Q Prior to this announcement giving you
23 instructions how to surrender, had there been any
24 other instructions to you prior to the assault, the
25 commencement of the firing, were there any other

1 verbal warnings given to you that you

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2 know of?

3 A No. It was just one continuous reading of
4 a message or memo, it sounded like to me.

5 Q How long did you estimate the firing went on?

6 A The very heavy firing I would say about five
7 minutes.

8 Q After you responded to the instructions of
9 surrender and got up and commenced to move, where did
10 you go?

11 A Well, I was here and I got into the crowd
12 and moved toward this way. The crowd seemed to be
13 heading--as well as a bunch of other inmates in this
14 general area were heading toward this door here and
15 they seemed to be, they were being herded through that
16 door.

17 It took quite a while to get all the way
18 around here because there was such a crowd and people
19 were confused. It was slow moving.

20 There were groups of troopers that I saw up
21 on this catwalk who seemed to have things well in
22 control. They didn't seem to be too out of hand or
23 overly excited. I think everybody was looking toward
24 that. They didn't seem to be too overly excited.

25 We came down this way, mostly down this

1 way. A big mob, about halfway down the 1428
2 big bunches of gas seemed to float our way and we had
3 to hit the ground. I did also.

4 Eventually I wound up here where the crowd
5 was so dense I couldn't get through the door.

6 Q You did say the concentrated firing went
7 on for about five minutes?

8 A Yes.

9 Q Was there any shooting after the time the
10 groups of inmates were going towards the corridor?

11 A Oh, yes. There was sporadic firing for as
12 much as an hour.

13 Q An hour after?

14 A Yes.

15 Q Will you go on and recount what happened.

16 A When I got over here and I say this door
17 was pretty well crowded, there were groups of, well,
18 there were troopers all over the place and I began to
19 see them in the yard itself at that time.

20 But there were also civilians, or at least
21 civilian-dressed people up on this walk and they seemed
22 to be, they seemed to be directing things a bit. And
23 one of them told the troopers who were now in the
24 yard and around that door to clear the door and move
25 them back, move the inmates back a bit.

1 There were, by this time there
2 were beginning to be more and more troopers down there
3 in the yard.

4 Once again, everything, I think, was con-
5 scious of well, are they foaming at the mouth. Are
6 they overly excited, jumping. They were yelling a
7 lot and pointing guns but except for one exception,
8 at one point I couldn't see what was being fired at
9 but somebody yelled get that bastard or something
10 like that.

11 I saw a trooper firing down toward the
12 ground. I guess this is supposed to be the trench
13 that was dug over there. It was in this area. I
14 couldn't see what he was firing at. He was firing
15 into that ground and there was a photographer up
16 here that ran over. He seemed to be trying to take
17 a picture of that and it was scary, but it was re-
18 assuring to me they felt they had time to take
19 pictures, they didn't feel they had to be on the
20 defensive.

21 Q What type of weapon was--

22 A It was a pistol.

23 Q He was firing into one of the trenches?

24 A He was firing down toward the ground, into
25 the trench, I guess.

1 When I had gotten up to this 1430
2
3 point, all of us were being herded together. We were
4 told to clear away from the door area. Get the
5 traffic straightened out, I guess. We were told to
6 back up, turn around and walk back.

7 A lot of confusion. We did this and got
8 back and we were told to sit down on the ground at one
9 time.

10 Then we were stood up again. Pushed back,
11 making more room. They began to carry what I assume
12 was hostages.

13 The fellows looked like they were shot up.
14 They looked like they had medical attention. I assumed
15 they were hostages. They were going out here on
16 stretchers.

17 It was pretty much like that until when I
18 was sitting on the ground and it seemed very important
19 to me at the time, I was facing in the opposite
20 direction and I was sitting on the ground so either
21 my height or shape wasn't apparent, I should mention
22 this.

23 I was wearing a beige sweat sweater which
24 was a very unusual thing for a prisoner to be wearing.
25 It's some sort of a gray no matter what, coat, shirt.
I was wearing a beige sweater and some civilian, while

1 I was sitting facing the other way, some 1431
2 civilian up here on the catwalk hollered down to the
3 troopers, get that guy in the beige sweater.

4 And at first I didn't really think he was
5 talking about me. A trooper pulled me up and spun
6 me around and the guy up here on the catwalk said,
7 "Yes, tag him."

8 Q Could you see who that person was?

9 A I'm not really a hundred per cent certain,
10 but I believe it was Walter Dunbar.

11 Q How did you ascertain that?

12 A He had been in the yard during the negotia-
13 tions and I wasn't really that close to him. I thought
14 it was him.

15 Later on I had seen him a number of times
16 and I think it was him.

17 Q Go ahead.

18 A In any event, I was--from there I was told
19 to stand up and spun around and he said, "Tag him."

20 Another thing that stuck in my mind at the
21 time: The trooper asked me my name and I told him and
22 he asked me to repeat it and it stuck in my mind, he
23 didn't seem to know who I was. It was a random selec-
24 tion, you might say.

25 From that point I was brought over to a ladder

1 here, marched up on the ladder to here, 1432
2 by troopers.

3 This was all filled with troopers and what
4 have you. I was told to strip down. I took off all
5 my clothes.

6 Q Let me interrupt for a minute, Mr. Huen.

7 While this was going on were you alone or were
8 you being taken with a group of men?

9 A I was taken out of the group I had been with,
10 sitting with. And singled out.

11 And I was brought up here and asked to
12 strip down, which I did. The troopers that were
13 stripping me down went through all my clothes.

14 Some remark was made that they were sur-
15 prised that they didn't find a weapon. And they
16 kept going through the clothes again. I was told to
17 put my pants back on and was brought over here to an
18 area here.

19 And there were people there that seemed to
20 be more in charge. A big crowd over there. Fairly
21 big crowd. And there were injured people up there,
22 injured inmates and what have you. Some of them
23 pretty bad.

24 Q You were carried to that Times Square area
25 and you were stripped at that time?

1 A I had my pants back on at that time. 1433

2 Q Let me ask you this, because it seems from
3 your testimony you were singled out. Let me ask you
4 this: Had you had any difficulty before, had you had
5 difficulty with the authorities or had you been keep-
6 locked or had you faced disciplinary proceedings during
7 your stay in the prison up to this point?

8 A No, I never had a disciplinary report made
9 out against me.

10 Q Go ahead, sir.

11 A I was brought over to this area here and
12 this is, I think, the outline of a hurricane fence-
13 type arrangement.

14 There were other inmates being stripped down.
15 As I say, around this outside area, there were a
16 number of inmates who were injured. One looked so bad
17 to me, I was reassured to see that he was talking.

18 There was a policeman standing with his
19 foot right next to his head and he was talking to him.
20 He was alive. I don't know too much about the rest.

21 I was brought over here and another trooper
22 told me to strip down and the first trooper said, "No,
23 we just stripped him down." He said, "Get him over
24 here, kneel down against the fence." I knelt down
25 against the fence and somebody else said, "Get his

1 pants off. Take the pants off."

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2 Back down against the fence and there--I
3 stayed there for a few minutes. As I say, there was
4 a lot of confusion there.

5 Q While you were by this fence, what, if any-
6 thing, occurred?

7 A Well, I was waiting to see what was happen-
8 ing. As you were saying about disciplinary reports, I
9 thought I had it in my head they had me mixed up with
10 somebody. I don't know why, I thought it would be
11 straightened out almost immediately.

12 If that didn't happen, I was reassured that
13 for the most part people up there seemed to be in
14 control of themselves. There was a general fear in
15 the yard that if an assault did come, a lot of very
16 high emotionalism would flow out of the police and
17 that didn't seem to be too much of a problem

18 There was one individual that was standing
19 on the other side of this fence that was cursing and
20 screaming. He was kicking at the fence at me.

21 Q Kicking--he was cursing and screaming and
22 kicking at you?

23 A Yes, he was trying to, through the fence.
24 I had my head up against the fence. He kicked at me.
25 He kept on kicking but he didn't hit me.

1 Q You say he was cursing and 1435
2 screaming. What was he cursing and screaming about?

3 A He was accusing me of being a homosexual
4 and stuff like that. He was pretty upset.

5 I am a little hesitant to be too specific.
6 I don't know if you really want me to.

7 Q I guess you can be as specific as you want,
8 Mr. Huen, and if it's--but we can't use profanity,
9 we are not in a courtroom. If we could get the sense
10 of what was being said.

11 A I don't know, it was so unreal. He wanted--
12 well, the statement was, "We're going to force you to
13 perform--" I am trying to clean it up as I go along
14 "--to perform homosexual acts with black inmates."
15 Something to that effect.

16 Q Then what happened?

17 A Not too long after that, I was still here,
18 and they--one of the troopers put plastic cuffs--
19 they had like plastic handcuffs that they slapped
20 on guys and they stood me up and behind my back,
21 they cuffed me behind my back.

22 I still had a wristwatch on my hand at the
23 time. One of the troopers noted that and he said,
24 "Get the watch off that guy and break it." Another
25 trooper was trying to pull me out of there. He said,

1 "You got to get down to B-block" and he
2 is pulling me one way.

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3 This is the same sort of overexcited
4 trooper. He is trying to get the watch off my hand
5 and the cuffs are in the way and he couldn't get it
6 off. I slipped and fell down and he says, "Who
7 told you to fall down" and he starts whacking me on
8 the shoulder.

9 Q With what?

10 A He had a club. With a club that he had.

11 They forgot about the watch and I still
12 have the watch.

13 I was brought down--

14 Q Going back to that, were they taking watches
15 from any other inmates?

16 A Yes, I did see them.

17 Q How were they doing this?

18 A Taking them off the wrists, throwing them
19 on the ground and smashing them up.

20 Q And breaking them?

21 A Yes.

22 Q What happened at that point?

23 A Then I was brought down to the entrance to
24 B-block itself. When I got down there, the troopers
25 down there said no, they are not supposed to bring

1 them down here. They are supposed to 1437
2 bring them to A-block.
3

4 There was another inmate stripped naked up
5 against a wall down here. They put me over with him
6 a little bit. And I was a little bit---there was a lot
7 of broken glass down there, my naked feet, I was a
8 little bit slow and they shoved me around a little
9 bit.

10 Then after a small wait, we were marched
11 back up here, the both of us now, and then up here
12 to A-block and from A-block I was taken into 10 company
13 over here to a cell in this area, on the third floor
14 of A-block.

15 When I got into a cell, there were correction
16 officers over there and one was, I don't know, a captain
17 or whatever. He looked to be brass and I asked him,
18 "Why was I singled out like that?" He said, "I don't
19 know."

20 And then in the next breath he said to
21 other correction officers, "Let's keep, we got to
22 keep these guys together" and he took me out of this
23 cell, marched across the hall to a cell over here in
24 this company and then I sat there for, oh, I don't
25 know, more than a half hour. I can't really tell.
It was maybe an hour or two. And then from there---

1 Q Could you observe or hear while 1438

2 you were there for that half hour or so, were you
3 aware of anything else that was going on around you?

4 A I was pretty much alone in the block it-
5 self. I could see into the yards. I could see the
6 flow of prisoners back and forth.

7 They had what seemed to be a lot of
8 wounded inmates in this area. Other inmates were in
9 this area. They were splitting them up into various
10 groups down in here. But nothing that was too un-
11 usual.

12 Q Would you continue as to what happened with
13 you.

14 A Well, myself, after I was here, I say,
15 whatever length of time it was, it got to be about
16 2:00 o'clock, I guess, by the time I actually got up
17 to HBZ where I wound up, they started taking the
18 few of us that were in cells up here out of cells
19 and they seemed to be a little bit edgy now. You
20 sort of had the feeling they were going to get theirs
21 now.

22 We were taken out and two guards on either
23 side and taken downstairs like that and the fellow
24 in front of me was shoved around a little bit.

25 There began to be a lot of screaming. Not

1 anybody I could see, but guys were 1439
2 yelling here and there. I guess the guy in front of
3 me turned his head around to see what the screaming
4 was about, they said, "You want to be with your
5 black brothers?" and they shoved him down the stairs.
6

7 I went down after that, out of the building
8 and wound up in the front of the Administration
9 Building and --which would be just about that point
10 right there except that walk which would be on the
11 left, I guess looking from the screen, from the left
12 there was a line of National Guardsmen.

13 There were any number of people out there.
14 There was a priest out there with robes on and so
15 forth, but there was a line of National Guardsmen,
16 where Mr. Liman just pointed. I was marched through
17 that.

18 Q How were you dressed at this time?

19 A I wasn't dressed at all. I had been naked
20 from the time I left Times Square roof.

21 Just marched through that and then wound
22 up at that little walk that leads up to that black
23 spot, that black building there, which is HBZ itself.

24 At that point there was no more National
25 Guardsmen, they were all correction officers lined up.
We were marched through that singly, spaced out and

1 when I got to the steps of that building, 1440
2 the inmate in front of me I could see was being
3 questioned about something. He was being asked his
4 name, as I was after that.

5 And when he got through with the question-
6 ing, the guard gave him a little shove in the back
7 of the head and in he went inside the building.

8 I got up to the door and I was asked my
9 name and again it struck me as odd that, it began to
10 be more irritating, they had to ask me twice, they
11 didn't even know my name and I was shoved inside the
12 building. I slipped. I was pulled up.

13 It was a dark room. I was run through
14 another couple of rooms and--or told to run through
15 these rooms and there was a staircase there. And I was
16 told to run up the staircase.

17 Q Is this a circular staircase?

18 A Yes. It turned out to be about three
19 stories there and fairly wide staircase, circular.
20 With--that day there were guards spaced out maybe
21 every six or eight feet with clubs.

22 Q When you say "guards," are you speaking
23 about correctional officers?

24 A Yes.

25 Q What was that like, the circular stairway?

1 A Yes. Every six or eight feet, 1441
2 as I say. And I was told to run up there and I did,
3 as quick as I could.

4 As I went by the correction officers, they
5 would hit you with the stock.

6 Q Each one?

7 A Each one. Each one. I slipped a couple
8 of times and I got whacked pretty good that way.

9 Q Were you handcuffed all of this time?

10 A Yes. I was handcuffed.

11 I got to the top of the stairs and then
12 there is more, you don't know where to run and there
13 is more guards up there and a couple of whacks and
14 run down this tear.

15 That's where I did run until I got in front
16 of a cell and I was pushed in a cell.

17 Q I know this is some time ago. That was
18 on the 13th of September?

19 A Yes, that was the 13th.

20 Q How long were you in HBZ?

21 A Four months to the day. January 13th I
22 got out of there.

23 Q You say when you were hit, can you estimate
24 how often you were hit during that run?

25 A Well, someone from the Goldman Commission

1 was there within a week or two. It would 1442
2 be pretty hard to estimate. Elbows, knees, hips,
3 anything that was sticking out.

4 And one of the Goldman Commission looking
5 at me, he said, "Well, at least you got attention
6 with this. You are covered with merthiolate." It
7 wasn't merthiolate, it was bruises. It was quite
8 extensive.

9 Q Were you ever told why you were in HBZ?

10 A I hadn't been able to find out.

11 That Saturday, I guess it must have been the
12 18th of September, Assemblyman Capell came in with a
13 group. I managed to catch his ear. I was exasperated
14 and scared to death because I thought well, I'm going
15 to wind up with who knows what, a murder indictment.

16 If I can be thrown up here for no reason,
17 who knows what the consequences will be. I was
18 pretty concerned about that.

19 I got his ear and spoke to him and he said
20 he would try to find out. I had letters from him.
21 He hasn't been able to find out.

22 I spoke to Mr. Austin McCormack of the
23 Goldman Commission. I saw him three or four times
24 and he made inquiries and he couldn't find out.

25 Eventually I wound up with an attorney who

1 made quite an effort. I did get out of 1443
2 the box. Mr. McCormack got in touch with---you asked
3 me about disciplinary reports.

4 I think one of the difficulties I had was
5 that I never had any disciplinary report. Therefore,
6 I wasn't known to anybody. I was an unknown acquaint-
7 ance up there.

8 The only officer I knew was Mr. Head, that
9 I worked with and Mr. McCormack got in touch with him
10 and he managed to get up there to the box and speak
11 to me. He was up there three or four times.

12 Q Is that the Officer Head who testified?

13 A Yes. He was surprised and then, I guess,
14 you know, anything can happen in a riot situation.
15 I guess he checked around himself to see if there was
16 anything that I might be up there for before he stuck
17 his neck out and I guess he satisfied himself that
18 wasn't true.

19 Went down to the BCI office and tried to
20 find out from them and he couldn't find out anything
21 from them.

22 Eventually, like I say, January 13th came
23 and I was let down. I am still in the dark.

24 Q During the first few days you were in HBZ,
25 did you receive any treatment for the injuries you

1 sustained?

1444

2 A I believe the second or--I wasn't really
3 seriously that hurt. I had scratches and bruises.
4 I have a few scars. I really didn't require, there
5 were fellows up there that were shot and fellows up
6 there that were hurt bad.

7 One fellow had a broken arm. I didn't
8 receive any medical attention because it wasn't
9 really that necessary.

10 Q Who was administering medical help?

11 A There were a number of people. People
12 came in from UB eventually, but the first people that
13 came in was--one of the prison doctors came in.
14 Whether that was the second day or third day, I don't
15 know. Whether that was like the 14th or the 15th,
16 I don't know.

17 They were the first ones in.

18 Q What was their attitude?

19 A I was--I felt fortunate that I didn't really
20 have to go to him for anything because they were
21 grouching up and down.

22 Q What do you mean by they were grouchy up
23 and down?

24 A Well, I had the impression, if I had any-
25 thing wrong with me, that when I got through talking

1 to him, I would still have something wrong 1445
2 with me and I would have an ulcer.

3 More seriously, I shouldn't inject levity
4 into it, there was one fellow that was hurt pretty
5 bad. And there were fellows up there, nobody even
6 asked for help unless they were really hurt.

7 Number one, they didn't want to be singled
8 out as maybe being too close to the things. If they
9 got shot, they were perhaps resisting and they didn't
10 want people to know about the wounds they had.

11 One guy was hurt very, very bad and he stopped
12 the doctor as he came by and I heard him ask for a
13 pain killer.

14 Dr. Sternberg says, "You want a pain killer?
15 You say you are a killer? This is my pain killer,"
16 and he pointed to one of the guard's clubs that was on
17 the tray there.

18 There was some yelling from other inmates
19 about that. He said, "You see that club, I use that
20 club. I don't care what Dr. Curtin said." I found
21 out this was in reference to some kind of restrain-
22 ing order.

23 Q Dr. or Judge Curtin?

24 A Judge Curtin. Thank you for correcting me.

25 Q You stayed there for four months to the day?

1 A Yes.

1446

2 Q To this date, were you ever told why you
3 were singled out and taken to HBZ?

4 A Well, Mr. Head said that he heard that I
5 looked like someone named Gary Haines. I had never
6 met--

7 Q Just a second.

8 At this time I would refrain from the men-
9 tioning of names.

10 A I am sorry I did that.

11 It's fortunate, though, that I never met
12 the man. I don't know anything about him. The only
13 reason I mentioned it or even thought of it was because
14 I have no way of comparison, knowing whether I look
15 like him or anything like that.

16 There was another mention made of another
17 fellow who I do know and I was told that that's what
18 the comparison, that's where the mistake came about.
19 I know he doesn't look anything like me.

20 The attorney I wound up with, I wrote a
21 letter to the warden, addressed the letter to the
22 warden and the attorney did and eventually there
23 was a reply to the letter, I think six weeks, something
24 like that, later there was a reply to that and I said
25 in that letter that just due to the housing manager

1 I was put into HBZ. There was no charges 1447
2 against me, but I wasn't coming down, either.

3 Q Let me ask you this, Mr. Huen: During that
4 afternoon of the 13th when you were housed in HBZ
5 and you were--you went through this line of officers,
6 you were beaten by sticks, you say you were handcuffed,
7 you were naked, were you offering any resistance?

8 A None whatsoever.

9 Q Did you observe other inmates being treated
10 in a like fashion?

11 A Well, everyone who was up in HBZ got
12 there through that same route. As far as coming up
13 the stairs. You could hear the hollering and some
14 of them came past my cell.

15 So I have to say everybody got the same
16 treatment.

17 JUDGE WILLIS: Mr. Chairman, I have
18 no further questions.

19 MR. MCKAY: Mr. Huen, I think several
20 members of the Commission will have questions.

21 I would like to start with Mr. Henix,
22 if he has a question.

23 BY MR. HENIX:

24 Q A small question: I wonder, like you say,
25 you are afraid to be more descriptive as to some of

1 the language, but there must be words to 1448
2 give some impression of this being the real thing
3 because the way you are saying it--

4 A It would be one continuous bleep.

5 JUDGE WILLIS: May I, for a moment,
6 interject?

7 We have cleared that if you are report-
8 ing accurately what was said, you can use pro-
9 fanity, if it is a direct quote.

10 BY MR. HENIX:

11 Q Could you be more specific?

12 A "We're going to make you suck black cock."

13 Q This is what was told to you?

14 A The fellow kept repeating that. Kept repeat-
15 ing that at me.

16 Q The other question is: When you were up
17 on the catwalks, did you, in that cell they put you,
18 was it in A-section?

19 A A and then--

20 Q What did you see going on in the yard, you
21 said you saw inmates over there and inmates that seemed
22 like they were wounded in C-yard. They were funneling
23 them through the doorway.

24 In what kind of condition were they in?

25 A The men in C-block yard were all wounded.

1 Most of them looked like they--they were 1449
2 either on stretchers or they looked like they should
3 have been on stretchers.

4 It seemed to me that they were singling the
5 wounded out, the ones that were badly hurt.

6 Q How were they running them through that door-
7 way, into A-yard?

8 A Well--

9 Q D-yard.

10 A You are talking about coming into here?

11 Q Yes.

12 A I wasn't overlooking this yard very long.
13 While I was, they were splitting them up into groups.

14 There was a smaller group over here of
15 about 25 inmates. They were all sitting on the
16 ground naked, there hands on their heads. And I
17 noticed they were all black.

18 Over here, there were hundreds, I don't
19 know how many, hundreds, mixed. White and black,
20 but they were all dressed.

21 That's about all I observed. I wasn't there
22 very long.

23 MR. HENIX: That's all I have.

24 MR. MCKAY: Mr. Marshall.

25 BY MR. MARSHALL:

1 A Mr. Huen, you said that at some 1450
2 point after the assault started you saw somebody on
3 the catwalk shouting down into the yard at, or into
4 a trench.

5 A Yes. Perhaps I gave the wrong impression.
6 The trooper was actually in the yard.

7 Q He was in the yard?

8 A He was in the yard, yes.

9 Q You say trooper.

10 A Yes.

11 Q Are you sure it was a trooper?

12 A Yes. Gray uniform, all of that.

13 Q But the weapon he was firing was a pistol?

14 A Yes, some type of a pistol.

15 Q Did the words "tag him," did they have any
16 special meaning in the prison?

17 A Not to a prisoner. I just took it to mean
18 identify him. That's all it meant to me.

19 Q How many others, if this is an answerable
20 question, how many other inmates were treated the way
21 you were, that is, through that route that you took
22 rather than through A-yard and out?

23 A Well, I have heard that there were a few
24 others. I observed none myself. The only one that I
25 know was the one that was right down here that got the

1 same treatment--we were the only two that 1451
2 went up to the box that day in that manner. I had
3 never seen anyone else in the box in that manner.

4 Q Was the other one white or black?

5 A He was black.

6 MR. MARSHALL: Thank you.

7 MR. MCKAY: Mr. Wilbanks.

8 MR. WILBANKS: No questions.

9 MR. MCKAY: Mrs. Guerrero.

10 BY MRS. GUERRERO:

11 Q I remember when you were here the last time,
12 from the very beginning you seemed to be a reluctant
13 member of this whole unfortunate tragedy.

14 Now you say you still don't know, after
15 they took the prison, why you were treated the way you
16 were treated. Since you don't know, you can't tell us.

17 I want to know something, why the inmates
18 do the same thing to the guards that the guards do
19 the inmates.

20 Why do they take their clothes off? Why
21 do they want to keep a man naked up and down and
22 put your pants off and put them back on? Why do they
23 do that?

24 The prisoners did it to the guards and the
25 guards did it to the prisoners. Do you have any idea?

1 A I think they are just playing king 1452
2 of the hill with each other. I could give a long
3 detailed answer that I really wouldn't know what I
4 was talking about, but I think that's what it is.

5 Q It seemed to me it is a sadistic thing to
6 humiliate a person rather, don't you think so?

7 A Yes.

8 Q I hope that's the best and it isn't as best
9 as you could tell us.

10 A Yes.

11 MRS. GUERRERO: Thank you.

12 MR. McKAY: Mr. Huen, I think that
13 is all the questions from the members of the
14 Commission.

15 You will recall under the ground rules
16 previously discussed with you, you may make a
17 statement at this time before the Commission
18 and the public, if you wish.

19 Is there something you would like to
20 tell us?

21 THE WITNESS: Again, it is just that
22 I am concerned about the outcome of all of this
23 and I don't mean this as a criticism of yourself
24 or anyone. It's just that I do hope that while
25 there is a certain amount of enthusiasm generated--

1 some people have called this the year 1453
2 of penal reform.

3 Before it is no longer the year of
4 penal reform I hope people will get into specific
5 areas.

6 I heard some talk this morning, of
7 course, it's a question of money and I--on the
8 contrary, I would hope that the Legislature would
9 consider holding a moritorium on dumping money
10 into something that obviously doesn't work,
11 would concentrate on getting people outside of the
12 bureaucracy into the system.

13 There was some talk about the diagnostic
14 center here and, of course, that's a marvelous
15 thing but it is expensive and I can think of just
16 on the supr of the moment a way to get out of
17 spending a terrible amount of money.

18 Every big city has houses that are
19 abandoned and nobody knows what to do with.
20 Certainly the small number of people involved
21 in the diagnostic center, it shouldn't be too
22 hard to select people that are that far away
23 from parole anyway that could be trusted and
24 would have a certain amount of enthusiasm for
25 going down and rennovating a building, even if

1 it wasn't the most comfortable place 1454
2 in the world, it would be better than Sing Sing
3 or Attica or the diagnostic center.

4 There are so many things, I think,
5 that probably--I am just afraid of somebody setting
6 up rather than a Department of Correction, a
7 Department of Rehabilitation services which would
8 be the same thing all over again and that's about
9 all I have to say.

10 Thank you very much.

11 MR. MCKAY: Thank you, Mr. Huen, for
12 both your visits and your helpful comments and
13 cooperation.

14 (Continued on page 1455.)
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1 MR. LIMAN: Mr. Ford. 1455

2 MR. MC KAY: Mr. Ford, will you remain
3 standing to be sworn?

4 P E R R Y F O R D, called as a witness, having
5 been first duly sworn by Mr. McKay, was examined
6 and testified as follows:

7 EXAMINATION BY MR. ADDISON:

8 Q Mr. Ford, will you state your full name,
9 please.

10 A Perry Norman Ford.

11 Q Will you try to speak in the microphone,
12 please.

13 A Perry Norman Ford.

14 Q Mr. Ford, I would like to direct your atten-
15 tion to the morning of September 13 in D-Yard at Attica.
16 Will you please tell the Commission where you were
17 located at that time?

18 A Would you like for me to show it on the map?

19 Q Yes, please.

20 A I--

21 Q Would you pick up the microphone.

22 A I was right here. In D-Block Yard.

23 Q You were standing near the trench of D-Block
24 Yard?

25 A Yes, I was.
