

EXT  
HV  
9475  
N716  
N183X  
ARR. 27

1 PRESENT:

2181

2 ARTHUR LIMAN,  
General Counsel

3 MILTON WILLIAMS,  
4 Deputy General Counsel

5 JUDGE CHARLES WILLIS,  
6 Deputy General Counsel

7 ROBERT POTTS, JR.,  
Communications Consultant

8 STEVEN ROSENFELD,  
9 Deputy General Counsel

10 ROBERT SACKETT,  
Deputy General Counsel

11 ANDREW BERGER,  
12 Assistant Counsel

13  
14 o0o

15  
16 MR. McKAY: This is the morning ses-  
17 sion of the twelfth day of the public hearings  
18 before the New York State Special Commission on  
19 Attica.

20 Mr. Liman, will you introduce our  
21 witness for this morning?

22 MR. LIMAN: Yes. Our first witness  
23 is Dr. Cudmore.

24 J O H N C U D M O R E, having been  
25 duly sworn by Mr. McKay, was examined and tes-

26

27

2 EXAMINATION BY MR. LIMAN:

3           Q     Dr. Cudmore, state your full name for the  
4 record?

5           A     John William Cudmore.

6           Q     What is your occupation?

7           A     Surgeon.

8           Q     Where do you practice?

9           A     I practice in Buffalo, New York.

0           Q     Are you engaged in general surgery?

1           A     Yes, sir. I am a general surgeon and I am  
2 on the staff teaching at the University of Buffalo.

3           Q     And how old are you?

4           A     I am thirty-three.

5           Q     Are you also Chairman of the Disaster Com-  
6 mittee at the Buffalo General Hospital?

7           A     I am, sir.

8           Q     What is the function of the Disaster Commit-  
9 tee?

0           A     Basically, the purpose of the Disaster Com-  
1 mittee is to prepare a hospital for receiving and  
2 treating an extraordinarily large number of patients  
3 occasioned either by a plane crash or a civil disorder.

4                   Most recently in Buffalo we had a  
5 fire which exploded and injured several people at the

---

---

1 same time.

2183

2 Basically, it is similar to a mass  
3 casualty program.

4 Q Doctor, are you also an officer in the Na-  
5 tional Guard?

6 A I am, sir.

7 Q What is your rank?

8 A My rank is major.

9 Q What unit are you attached to?

10 A I am a brigade surgeon for the 27th Brigade  
11 of the 50th Armored Division.

12 Q Where is that based?

13 A The division is based in New Jersey. The  
14 brigade headquarters is Syracuse, New York.

15 Q Are you also attached to a unit in Buffalo?

16 A As brigade surgeon, I have medical responsi-  
17 bilities for all of the elements of the brigade, which  
18 include three battalions which are located in the  
19 Buffalo area, and one medical company.

20 Q Now, Doctor, have you ever been in combat?

21 A I have not, sir.

22 Q When were you first told that your ser-  
23 vices might be required at Attica?

24 A Well, approximately Friday evening.

25 Prior to the activities, I was notified by the

1 executive officer of the 27th Brigade that  
2 there was a possibility that brigade troops would be  
3 involved and whatever their role would be.

4 By Saturday --

5 Q Did he know what the role was?

6 A No, we did not.

7 Q Were you the highest ranking medical offi-  
8 cer of the National Guard in that area?

9 A Yes, I was, for all practical purposes.

10 There was one lieutenant-colonel who was  
11 the surgeon of the Engineer group, but I assumed  
12 medical operational control of the operation.

13 Q So you were the highest medical officer at  
14 Attica?

15 A Yes, sir.

16 Q You were starting to say that on Saturday  
17 you got further information.

18 A On Saturday, we understood that liaison  
19 officers from the National Guard Bureau in Albany  
20 had been placed in the prison, in fact had been  
21 there since Thursday of that week, and that our ser-  
22 vices might well be necessary at a time not yet deter-  
23 mined.

24 Q Were you told what kind of role the National  
25 Guard would play?

---



1 involved at Attica. I joined them early in 2186  
2 the evening.

3 Q At the armory?

4 A Yes, at the Connecticut Street Armory in  
5 Buffalo.

6 Q By this time, had you been told whether the  
7 National Guard would be used in an assault capacity  
8 or in a security capacity or simply in a medical capa-  
9 city?

10 A We were not. Colonel Murphy, who was the  
11 commander of that force, had not received his instruc-  
12 tions along that line.

13 Q What kind of units did this force include?

14 A The units involved were those that just by  
15 happenstance were drilling that weekend. There were  
16 a Headquarters of a tank battalion, a company of  
17 engineers, the group headquarters and the group  
18 headquarters company of the engineer group, plus the  
19 C Company of the 50th, which was the medical company  
20 drilling that weekend.

21 There were also one section of special forces  
22 troops.

23 Q How many members were there in the medical  
24 company?

25 A Approximately 78.

---

1 Q What kind of equipment did the  
2 medical company have?

3 A A medical company has equipment to function  
4 as a second-echelon medical support unit. It has  
5 equipment capable of rendering immediate first-aid  
6 and what we refer to as resuscitation. It does not  
7 have the capability of performing major surgery. In  
8 a combat situation effectively what it does is stabi-  
9 lize a wounded individual until they can be evacuated  
10 by air or by ground to a fixed medical institution.

11 They have the ability of doing a tracheotomy.  
12 They have ability of maintaining life by giving intra-  
13 venous fluid. They have the ability of stopping major  
14 bleeding.

15 They do not have the ability of doing any  
16 reconstructive or, in fact, any definitive operations.

17 Q Would it be fair to say that their main  
18 function is to stabilize conditions while the wounded  
19 are being evacuated?

20 A Stabilize the preparation for evacuation.  
21 That would be a very good description of it.

22 Q What did you do on Sunday to ready yourself  
23 for action?

24 A Well, on Sunday, I readied myself -- of  
25 course, we got our own individual equipment, but to

---

1 ready the units that I would have control of  
2 or would have an advisory capacity towards, we checked  
3 their equipment, made sure that things were loaded  
4 that would be necessary for a field operation.

5 Having had some experience commanding medi-  
6 cal units of this type, it is always noted that when  
7 you got out in the field you have the tents and the  
8 ropes and you forgot the tent pins, or there happens  
9 not to be a hammer to hammer the tent pins.

10 Basically checking the nuts and bolts that  
11 the company would need; that the troops had their indi-  
12 vidual equipment and that whatever information I had,  
13 had been passed down to the members of the command.

14 Q Did you carry a synthetic blood substitute?

15 A Yes. Organic to a medical unit of this type  
16 is a plasma expander. It is not whole blood. It  
17 could be best referred to as whole blood with the cells  
18 removed. It is entirely synthetic. It is not human  
19 product.

20 Its purpose is to maintain blood pressure  
21 and to support the individual until blood is avail-  
22 able.

23 Q What about anaesthetics; are you equipped  
24 with anaesthetics?

25 A The unit is equipped with anaesthetic equip-



1 ment. However, the drugs necessary for 2189  
2 anaesthesia, as they are controlled substances, are  
3 not within the regular carrying equipment of the unit.

4 Q That has to be provided by somebody else?

5 A Yes, they would. There were capabilities  
6 of giving a very primitive form of anaesthesia --

7 Q Ether?

8 A Open drop ether.

9 Q On Sunday, did you have a conversation with  
10 General Baker?

11 A I did, sir.

12 Q When was that?

13 A That was approximately at ten o'clock in the  
14 evening. After going over to the medical company,  
15 which is at the Maston Avenue Armory in Buffalo and  
16 checking it out, I saw that they were in a good state  
17 of readiness and I went back to the group headquarters  
18 at Connecticut Street, where I met with Colonel Murphy.

19 He was briefing the members of his staff on  
20 what he knew up to that point.

21 Q Who was Colonel Murphy?

22 A Colonel Murphy is the task force commander  
23 of Task Force 211.

24 Q At this point, did Colonel Murphy know what  
25 the function of the National Guard would be in any

1 police action?

2190

2 A We did not. He began his briefing by sta-  
3 ting the three missions, as I outlined previously,  
4 and began briefing us on what would be required in  
5 his opinion should be have to perform any of the three.

6 In the middle of the briefing we had a  
7 phone call from General Baker, who spoke with Colonel  
8 Murphy and then spoke with me.

9 MR. LIMAN: Much as I am reluctant  
10 to interrupt your testimony in the middle, we  
11 have a witness who is scheduled to be on the  
12 first thing in the morning, and if you would not  
13 mind, if we could ask that you step down, I would  
14 ask that Mr. Paris take the stand so that he can  
15 complete his testimony, and then we will resume  
16 with you.

17 THE WITNESS: Certainly, sir.

18 J O S E G. I. P A R I S, having been pre-  
19 viously sworn, resumed the stand and was examined  
20 and testified further as follows:

21 EXAMINATION BY MR. SACKETT:

22 Q Mr. Paris, as you recall the last time you  
23 were here -- I believe it was Thursday -- we didn't  
24 quite finish your testimony.

25 Would you care to make a statement with res-

1 pect to the events at Attica or any other

2191

2 point you might want to make?

3 A You mean to the inmate?

4 Q Yes, as an inmate.

5 A When I arrived at Attica Institution Novem-  
6 ber 1970 I was kept in -- before I begin -- I was  
7 transferred because of Puerto Rican history.

8 Since arriving at Attica I was taken to a  
9 cell and I stayed there for three days before I hid --  
10 I even saw anybody -- talking about being able to,  
11 you know, join the population in Attica institution.  
12 From there on, I was sent to D Company 46 and I went  
13 to 47 and that when I was transferred to 45, then I  
14 stayed there.

15 I was working in school drafting and trying  
16 to learn engineering, more or less on my own. Since  
17 that time we never had no interpreters or we never  
18 saw no Puerto Rican officers or black officers in  
19 there.

20 They have one black man working in the  
21 school where hardly nobody see him and one Puerto  
22 Rican brother, he used to be around C-block and I  
23 hardly never see him.

24 He used to do all the translations on the  
25 majority of all the letters that were sent in Spanish.

---

2 people, like, you know, able to translate or anybody  
3 that could speak Spanish, letters used to arrive to  
4 the inmates twelve to at least sixteen days later.

5 Now, there was all of those things that  
6 created the conditions in Attica. Now, we talk a  
7 whole lot about this Attica thing, but it is the same  
8 conditions that affects us out here in the community,  
9 roaches, the bad housing, where we are. You know, we  
10 are not like animals or anything like that. We are  
11 human beings.

12 Q Tell us about -- were there any -- what  
13 about the jobs that the inmates could have?

14 Was there any -- what were the kinds of jobs  
15 that were important as far as an inmate's point of  
16 view was concerned.

17 A Well, if an inmate wanted to make some money  
18 he choose the metal shop or he sent forcefully --  
19 you know, a lot of people try to go to school, you  
20 know, try to get something in the head, you know,  
21 put it together, and a majority of the time people  
22 that can't speak no English be sent straight to school.

23 The majority of the brothers in there that  
24 want to go to school can't go to school.

25 Q Why not?

---

1           A     Sometimes because they say they need  
2 manpower -- in this capital system -- manpower is that  
3 they have more people to be able to work in the metal  
4 shop, you know, and to get that twenty-five cents,  
5 which is the starting pay now, would be somebody more  
6 or less, you know, be the good guy, you know, be the  
7 runner, the rat for the police, you know, and tell  
8 on everything.

9                     He don't want a loose job, because he got  
10 a sweet job. He drinks coffee on the same break. He  
11 gets maybe eighty cents or close to a dollar. He is  
12 doing a whole lot. That's like saying I'm working  
13 out in the street and I'm finally making two hundred  
14 and my other brothers are getting ninety and a hundred  
15 dollars.

16                    I'm doing better than that. Same relation.  
17 Same similarity. Going to a different place, you  
18 know, and we in the community out here and the people  
19 in the jail, it don't change. Same thing.

20           Q     Were there any programs at Attica that were  
21 geared towards helping a Spanish-speaking inmate who  
22 didn't know English to try to, you know, better him-  
23 self or to try to -- you know, like English courses  
24 or any programs like that?

25           A     Well, from the start the person has got to

---

1 learn -- not only speak, but be able to read. 2194

2 They are sent to school, but at the same time they  
3 have a same time to communicate, you know, so they  
4 would try sometimes to get a Spanish brother, you know,  
5 to run the school.

6 But in turn that Spanish brother is not able  
7 to, you know, run the school the way he wants to, to  
8 make his other brothers to talk English or read or  
9 write, but the education department tells us no, you  
10 have got to do it this way, and the person cannot  
11 even function.

12 Q Were there any Spanish books at the library?

13 A I never saw one. I never went to the lib-  
14 rary, now.

15 Q Were you in a school program?

16 A I was in a school program -- yes, I went  
17 to school downstairs, in the drafting class, and  
18 that was it. I used to come in, get a pair of tools --  
19 I was assigned to a desk. I looked through part one  
20 and then I would take out my measuring ruler and my  
21 circumference and I would keep on doing what the book  
22 said and I followed, you know, what the book said,  
23 and my measurements and stuff and later on, after  
24 I'm finished, I signed my name, put my number, what  
25 section it was, and I showed it to the teacher, which

1 he is hardly there in the class, or he is 2195

2 sleeping, doing his own thing -- and he said, he  
3 might check me a couple of zeros, put a check on there,  
4 and that's it, tell me to go to the next part now,  
5 like part two.

6 So what I got to do is talk to somebody I  
7 know who knows a little bit more than me -- I talked  
8 with him and that's right. I don't learn by the  
9 teacher or by the institution. I learn by somebody in  
10 there trying to help himself. I gave me a hand.

11 Q In other words, if an inmate wanted to study,  
12 he would have to study on his own?

13 A Yes. Ninety-nine percent that's what you  
14 do.

15 Q Were there any correspondance courses that  
16 an inmate could take?

17 A They had correspondance courses, but they  
18 always got English, English, two and three. They are  
19 going to tell you if you want math, you know, things  
20 like this, but how the fuck can you go with this  
21 math? The majority of the brothers, we talk among  
22 ourselves in the cells, you know, the guys take a  
23 test, you know, and then he practices, you know, in  
24 the gallery. That's how he learn. He don't learn  
25 from the self-study and that kind of relationship.

---

1  
2 himself with the brothers in the tier by each others  
3 helping each other. He asks me a question. I can't  
4 read this in English. I ask him, you know.

5 I'm a little far away. I tell the  
6 runner to do me a favor and get me the book. We write  
7 back and forth to the cells.

8 Q If there was any kind of disciplinary pro-  
9 ceeding at the adjustment hearing or the PK hearing  
10 as they call it --

11 A Yes.

12 Q Supposing an inmate who couldn't speak  
13 English was brought before the committee for discipli-  
14 nary hearings. Was there any way that he could --  
15 were there any interpreters or anything on his behalf?

16 A No.

17 Q How did he communicate his problem or his  
18 story to the PK?

19 A Well, the PK wasn't too interested on the  
20 inmate, if he could understand English or Spanish.  
21 All he was interested in is the charge of what the  
22 officer wrote down, and that's what he is going to  
23 believe. And you are just going to get prosecuted.

24 Q Did they use any sort of interpreters for  
25 him to tell his story to the PK?

---



1           A     Since I wasn't in Attica, I heard no     2197  
2 brothers talking about an interpreter in the Kangaroo  
3 Court, you know, the PK hearing, or the new one they  
4 got formulated or when we go for social service or  
5 we go anywhere, to the hospital. There ain't no  
6 interpreter.

7           Q     What about psychiatric help? Were there  
8 any psychiatrists that spoke Spanish?

9           A     No.

10          Q     Did any of the hospital personnel speak  
11 Spanish?

12          A     No.

13          Q     Did anybody in the administration, you  
14 know, in the Correctional Services Department at the  
15 prison in a supervisory capacity speak Spanish?

16          A     Anybody in a supervisory -- they didn't  
17 speak Spanish. The only time in the social services  
18 you have -- the Spanish brother used to be in C-block  
19 and hardly you don't see him. They have them in the  
20 desk and he will be reading the desk and then it will  
21 take twelve or fifteen days to get to you, to your  
22 cell.

23          Q     What if an inmate was going to go to the  
24 committee that decided on which job an inmate should  
25 have when an inmate first arrived or at a later time

---

1 if he wanted to switch jobs; supposing an in- 2198  
2 mate that didn't speak Spanish wanted to go before  
3 the Committee for persons to talk to him about, you  
4 know, the possibility of getting another job.

5 A Well, we do.

6 Q How would he communicate?

7 A Well, first we ask for a slip. We send a  
8 slip in. Anybody can write the slip. Now, if you  
9 cannot write it, you don't know how to write in  
10 English, one of us can write it for him and he send  
11 for interview.

12 He wants a change of job. He even said  
13 what the job he goes to.

14 Now, he has to go down there after a while,  
15 maybe waiting a month, two weeks, and the interviewer  
16 asks you why you want to leave this job, why you  
17 want to go over there. You might have to create some  
18 kind of story. You tell him you don't like this and  
19 the majority of the time you do get changed.

20 Q With respect to an inmate who didn't speak  
21 English, how would he do this?

22 A Just by the writing. He goes up there and  
23 he has to make the best for himself because he has  
24 got nobody there to help him.

25 Now, if this happened by accident, they

1 would have the incident around that and there 2199

2 they might ask him --

3 Q In other words, they might ask an inmate  
4 who speaks English and Spanish?

5 A If he is there they would give him the  
6 break. Sometimes we try to help him because we see  
7 he in trouble and he can't respond back and we step  
8 in trying to help him.

9 Then they say we are interfering with the  
10 law.

11 Q What about the messages that were on the  
12 tape that you could get in your earphones if the  
13 superintendent or the deputy superintendent wanted  
14 to communicate, at any time did they communicate any  
15 messages to the inmates in Spanish, you know, in Eng-  
16 lish and then also in Spanish?

17 A I have heard it in Greenhaven. I have  
18 heard it in Attica. They get an inmate, you know,  
19 that will speak it, read the comment or the statement  
20 from the warden or whoever it is in Spanish, but the  
21 majority of the time it is mostly English.

22 Q Did they have any programs that an inmate  
23 could have to listen through his earphones, in Spanish?

24 A We had only one that we used to get every  
25 Saturday.

---

---

1 Q How many hours total could you listen 2200  
2 to the earphones in English during the week?

3 A All day. Everyday, up to at least eleven  
4 o'clock.

5 Q In other words, from morning until night  
6 you could listen in English through the earphones?

7 A The majority of us in the morning -- all  
8 of us are out working or going to school.

9 Q Theoretically I mean, if you happened to  
10 have a break and you were in your cell you could  
11 listen to it at any time in English?

12 A Yes.

13 Q Was this not so in the Spanish language,  
14 you could not put on a Spanish program?

15 A No.

16 Q What were the things at Attica that you  
17 feel from your point of view that had a direct  
18 relationship to what happened in September of 1971?

19 A Well --

20 Q Just, you know, the general problems.

21 A Well, the general problem, we don't have,  
22 you know -- I'd say we explored the commissary, to  
23 begin. We explored the commissary. Sometimes, our  
24 prices are a little more t-an what we pay out here  
25 in the stores, grocery stores, or A & P, and then

---

1 for what we get, we get nothing back.

2201

2           The condition-- the bad food, and we don't  
3 get healthful food. I worked in the kitchen and used  
4 to get more or less eighty-five bread and the rest of  
5 it, you know, was meat. We are not getting no whole-  
6 some meat, like a lot of the names, -- they got a  
7 lot of names, stawberry steak is a bread burger. It  
8 is not to our liking. No fresh vegetables, no juice.

9           We also got a condition in the -- we go to  
10 every joint and you get aspirin except when you brings  
11 your record in the street and you won't get it all  
12 the time neither.

13           The regular brutality, the same racism that  
14 we feel out here. You walk in there you could cut  
15 the air with a knife. They treat us like a dog. We  
16 are not human beings. We are a number and we are  
17 going to do free labor here. We are not even going to  
18 get paid for this.

19           The regular thing. We speak up, we get beaten  
20 up. You know, stay down, nigger. Stay down, nigger.  
21 Speak up, prisoner.

22           Q     What things do you think could be done to  
23 alleviate the problems that you have just mentioned?

24           A     Now, you say to alleviate. We say we were  
25 trying to get this together. We all got these changes

---

1 about going to legislation. We got a point  
2 that got to be investigated, reinvestigated, analysed  
3 and still don't come with no solutions.

4 Now, you tell me what we got to do about  
5 putting the practice you come up with. That's what  
6 you got to do. Don't tell me a whole lot of air and  
7 never do anything. You got intention. Beautiful,  
8 right on.

9 But how far are we going to get? You tell  
10 about pulling the line, you know. They pass all these  
11 things, but they are not implemented. Any time they  
12 say something that we want, always got to be the  
13 people got no voice, you know.

14 They told us we can have Soul On Ice, but  
15 that book when we first have it they put it away from  
16 us. First King was a violent. Right away came Brother  
17 Michael, then the Panthers and then we are the wrong-  
18 doers, and now we are the bad guys. The King was  
19 right on with violence.

20 You know, we always got to be directed. We  
21 can't determine our own destiny. We can't think for  
22 ourselves. We got to think the way you want us to  
23 think. If you want to put the practice, like we say,  
24 that we follow.

25 Q Did the demands that the inmates put before

---

1 Commissioner Oswald in September -- do you 2203

2 feel that those demands were demands that if imple-  
3 mented would do a lot for prison reform?

4 A Like we say, every time -- you know, you  
5 got to start sometimes, take the first step. That  
6 would be right on. But this is to put it -- you know  
7 into practice.

8 It's going to pass. It's going to take  
9 four or five years, and then they are going to take a  
10 term.

11 You say Brother Roberto to put it into ano-  
12 ther practice. You know, they put it in. That's  
13 the first step, man.

14 We don't need to be goaded to go back to  
15 our cell. We can go by our own and we have proven  
16 that because one time in Attica the officers started  
17 talking off with his -- with another officer and as  
18 a matter of fact, he was here on this same thing  
19 here rapping, and we continued walking to D-block  
20 and went into our cells, into our block, you know,  
21 right into the block and inside our cell without  
22 no direction, no police hitting the wall, banging  
23 telling us to keep quiet.

24 You know, don't talk, keep marching, you  
25 know, called all these kinds of names. We were only

---

1 on our own, you know. Nobody had to tell us 2204  
2 nothing. It was quite orderly. Very disciplined.  
3 We didn't need nobody directing. We went into our  
4 cells after we said good night, we passed a couple  
5 of sandwiches and we went straight to our cell,  
6 you know.

7 Q Right.

8 With respect to all of these conditions  
9 that you say existed at Attica while you were there --

10 A Yes.

11 Q -- how, in your role as an observer during  
12 the four days at Attica last September -- what was  
13 your role with respect to implementing reforms, you  
14 know, into the demands?

15 In other words, did you negotiate or try  
16 to mediate the demands of the inmates with the other  
17 observers and also with correctional services people?

18 A Well, I didn't draw up the demands. I  
19 wasn't there -- I wasn't selected to that committee  
20 to draw up the demands in the first place.

21 The second, the demands Oswald -- as you  
22 know more or less he went for them. And that was to  
23 his liking, so that was one start, but the thing --  
24 the two most important -- when we came down to the  
25 nitty-gritty, now, myself, I went in there. I felt

---



1 myself not only -- I'm still in prison and 2205  
2 now I'm going into a concentration camp. I'm still  
3 in prison. I saw the demands. I saw myself and I  
4 see all the confusion here. People haven't lived  
5 this or they don't understand exactly what was the  
6 situation in there. So the demands that didn't agree  
7 to the demands the way they were written because that  
8 isn't the way the brothers gave it out to be related  
9 back to Oswald, and whatever the decision Oswald would  
10 have made to be related back to the brothers --

11 There was a compromise. They would straight-  
12 ten up, you know, try to more or less satisfy the other  
13 side, because what they were saying was they don't  
14 want to really -- they opposed it. They didn't really  
15 want to accept that it was reality. They were just  
16 demanding what they felt and get every day, you know,  
17 and they wanted to start something, you know, telling  
18 us about rehabilitation.

19 So, I went in there for what the brothers  
20 asked for. I am going down there to ask what the  
21 brothers want me to relate, what they want me to do,  
22 what is the -- what's my part, what you want.

23 Q Were you able to communicate what the in-  
24 mates told you they wanted to Commissioner Oswald?

25 A I related to the body and I tried to make

1 them understand what the brothers told me, 2206  
2 you know, like Puerto Rican liberation front from  
3 Aqtica, which we used that term more or less awaking,  
4 a nationality, ourselves as Puerto Ricans, you know  
5 and trying to get some of these things ourselves like  
6 a little music, better food. The general thing that  
7 affected us in the institution lacking and at the  
8 same time trying to communicate with our people here  
9 and the rest of the people in the community, you know,  
10 which we have no relationship back after we get down  
11 out of here and we screen with a long chain -- being  
12 on parole you have to relate back to the people your  
13 family, the friends, and the rest of the community  
14 as a whole.

15 MR. SACKETT: Thank you.

16 THE WITNESS: Do you want to ask  
17 me a question?

18 MR. McKAY: I'm not sure. Is there  
19 someone on the Commission who has a question?

20 MRS. WADSWORTH: Mr. Paris, I  
21 share with you your impatience for endless stu-  
22 dies and reports on the lack of implementation  
23 which is so often the way it goes. You have had --  
24 your experience both as an inmate and as an ob-  
25 server, I think brings with you some very important

---

1 concerns when you speak with the Commission. 2207

2 We can talk in generalities. I would like  
3 to get right down to the cases. We all have  
4 ideas of what these reforms should be, the 28  
5 demands, and many others, which have been talked  
6 about for a long, long time. Implementation  
7 doesn't come without some group really putting  
8 this high priority and moving in and seeing about  
9 implementation.

10 If one seeks to find -- who cares enough  
11 to make some of these things come true, we think  
12 the inmates themselves, the inmates' families  
13 certainly, and their friends, legislature perhaps,  
14 the administration, the local administration at  
15 Attica and the public, sees various groups who  
16 might work toward implementation.

17 Do you think any of those or any combi-  
18 nation or coalition of those really has the  
19 strength or the interest to do what's needed to  
20 be done, and if so, which groups would you hope  
21 would come together in a coalition to work toward  
22 this?

23 THE WITNESS: As I say, everybody.  
24 The people is the power, you know, and it means  
25 that all of us got to keep pushing. You know, we

---

1 all be going sometime in different direc- 2208  
2 tions with the same intentions, but as a whole,  
3 everybody working together and pushing, keep  
4 trying, struggling, we are going to have hard  
5 times, but as long as they keep on pushing,  
6 hell, we are going to get off. That's what we  
7 need.

8 No specific group. You people, the community  
9 wants to see justice. The community wants to  
10 see their needs, the direct needs that they need,  
11 that means that we got to work together and  
12 understand each other, you know, not just one  
13 group, and one is better than the other, the poor,  
14 the ignorant, but everybody together, we help  
15 each other, you know.

16 We understand it. I ain't going to  
17 mention no specific group, because all the groups  
18 are trying to get this thing together, even  
19 yourself.

20 MRS. WADSWORTH: I think you need  
21 some -- everybody could have the best of inten-  
22 tions, but unless you have some group, I don't  
23 think too much happens, so this is why I keep  
24 looking for the specifics of this situation.

25 THE WITNESS: Well, if we are talk-

---

---

1           ing about this level, there has got to           2209  
2           be hand in hand and with the community too, be-  
3           cause we say we have -- that's beautiful. A lot  
4           of people are watching it every night and in the  
5           afternoon also, trying to really, you know, see  
6           and at the same time judge how far away you  
7           people are going, where you really are coming  
8           from, are you widows or are you trying to relate  
9           to us or are you trying to take care of business,  
10          because your only judgment is to ourselves.

11                    MRS. WADSWORTH:        That's certainly  
12           true.

13                    Mr. Paris, it seems to me the obser-  
14           vation time itself had, within a variety of  
15           characteristics which are needed to press for  
16           reform. I think the group as a whole had a  
17           variety of inputs. Do you see any continuation  
18           of the observer group in any fashion?

19                    THE WITNESS:        Yes. We -- for quite  
20           a while, we had -- for a few months back we  
21           haven't met, but the majority -- all of us met  
22           and continue and try to get a lot of things  
23           together. A lot of people are indifferent. You  
24           have the variety of people that come here and  
25           have given their time to try to express their

---

1 feelings and try to get it across to 2210  
2 you where really they were coming from, what they  
3 observed and what they learned, and what they  
4 felt.

5 MRS. WADSWORTH: I think we need the  
6 help of everyone if we are going to do this and  
7 that seems one possibility.

8 Thank you, Mr. Paris.

9 MR. MCKAY: Mr. Wilbanks has a  
10 question.

11 MR. WILBANKS: When you were here  
12 last week, you described in some very graphic  
13 terms the armed force that was outside the  
14 prison. Perhaps you have seen in some of our  
15 charts that fifty percent of the inmates thought  
16 if the State troopers came in they were coming  
17 in with clubs and not guns.

18 Did you know -- did you know that the  
19 inmates thought they were coming in with clubs,  
20 if they came in; did you know that?

21 THE WITNESS: I don't want to be  
22 laughing on this, because as we went in, man,  
23 Saturday, we all seen the artillery building up.  
24 Brothers ain't dumb, you know. Brothers ask,  
25 "Man, how is it building up out there? What's

1 happening?"

2211

2 As a matter of fact, to continue,  
3 you said yesterday, Brother, were you aware --  
4 I want to not only implement this statement and  
5 the statement that I brought out from the people  
6 in the community, because this is just from one  
7 of the people that works here, and they want  
8 this, that all of you want this -- that work  
9 with you in this investigation here.

10 On January 3rd, I was engaged as an  
11 investigator for the McKay Commission. It was  
12 not long before I began to realize that the  
13 prisoners of New York State are not more than  
14 extensions of the social ills that the black and  
15 Puerto Rican people are subjected to in the  
16 New York State ghettos. Because I had to spend  
17 the last twenty years in the Police Department  
18 of the City of New York, I was subjected to all  
19 sort of abuse, but I stood firm and finally able  
20 to have the inmates' identity at this time.

21 However, I feel that the plight of the  
22 Puerto Rican was being sadly neglected. I feel  
23 I have been upset and trust -- signed in protest  
24 against this situation. Carlo Rodan signed.

25 And on the back it says, I will eventually

---

1 bring up to the Attica -- in my thirty- 2212  
2 five years of this country I have tried against  
3 all odds, and often against my principles. In  
4 other words, he put himself as a puppet,  
5 lackey, Oreo or a spick, what we call his Puerto  
6 Rican inside, the outside- you know, and you know,  
7 thinking white or thinking in cracked or the  
8 idea, the ideas being that all of us are igno-  
9 rant to realize the things, that's where he falls  
10 into.

11 Sometimes, indirectly, knowingly or  
12 trying to, even trying to get to the man where  
13 he is at sales -- look here, I don't want to do it  
14 the way you want to. I'm going to try to be  
15 what you are and still can't help the people.  
16 That's where the brothers are coming from. He  
17 wants to also explain a special problem, the  
18 special problem of the Puerto Rican inmate has  
19 been completely ignored at the hearing. He is  
20 bringing it again. At last night, you had had a  
21 non-English-speaking Puerto Rican who was shot  
22 and beaten because he could not talk English be-  
23 cause of racism, prejudice and et cetera, and  
24 you had had time in taking off before he finished  
25 his story. Now nothing has been said about the



1 fact that the Spanish-speaking inmates are 2213  
2 mostly regarded to the metal shop, you know, in  
3 other words, sent over there to be in the coal  
4 gang and other menial jobs in the prison.  
5 Non-English-speaking inmates learns the rules by  
6 trials and errors. The system announcement  
7 never read in Spanish at any time. No interpre-  
8 ter was provided at a PK or parole hearing or  
9 any other place within the institution. The  
10 lack, because of the lack of the Spanish censor,  
11 most Spanish mail was received late.

12 There are only twenty Spanish books  
13 in the whole institution and these are meaning-  
14 less. No religious service in Spanish. Only  
15 four hours a week of Spanish music, two hours  
16 Saturday, two hours Sunday.

17 And out of fifty clerks was one a  
18 Puerto Rican. No Puerto Rican at commissary.  
19 In short, Puerto Rican and other non-English-  
20 speaking inmates have not been properly repre-  
21 sented before the Commission.

22 This despite the fact that five of  
23 the inmates killed during the assault, or roughly  
24 60 percent of those killed, were Puerto Rican,  
25 and I am not forgetting the many others who were

---

1 injured. You police have a lack of 2214  
2 sensitivity. That has been typical of the es-  
3 tablishment. This, despite the fact that most  
4 New York City jails are full of Puerto Ricans  
5 that will eventually end up in Attica and other  
6 prisons throughout the United -- New York State.  
7 That's Brother Carlo Rodan, who has been work-  
8 ing with you and I think Brother Roberto, you  
9 have been -- you know him, too.

10 MR. McKAY: Mr. Paris, as you know,  
11 you are entitled to make a statement to the Com-  
12 mission and to the public also. Is there a state-  
13 ment you would like to make?

14 THE WITNESS: I wrote down a state-  
15 ment that has been agreed collectively by the  
16 people and then I will read it to you and --  
17 as we say, me and you, we will go with it, we  
18 agree and we still differentiate in our feelings  
19 toward what we get to take care of business.

20 We, the prisoners of America and the  
21 people of our community, are victims of the  
22 atrocity of this system, victims in all shapes,  
23 manners and form, and because from the very  
24 beginning our sisters were killed and raped and  
25 still oppressed in the name of this so-called

---

America. We have come forward because we cannot let the people who lie escape -- be responsible for their actions against humanity. It is no surprise to us that this system, the racist capitalist system, is very -- the poor people worldwide, not only in Soledad, Puerto Rico -- it is the rich against the poor, the have against the have-nots. How fair can this Commission be when it is appointed and directed by the same man, Rockefeller; that refuses to speak to us or see us -- by this Commission in the atrocity investigated -- I made a mistake myself.

The Attica atrocity should be investigated not only by you ladies and gentlemen, but because you are appointed by the same Rockefeller. He refuses to speak to us in the movement.

That means we are saying then as before -- we referred to the matter to be investigated by the appointed commission and by the United Nations and the World Court of Justice by applying the principles and the procedures at Nuremburg, because what happened at Attica was a crime against humanity and in view of this we demand that this Commission disqualify themselves for the above

---

1 reason. Here is where I am coming from 2216

2 and all power to the people.

3 (In Spanish)

4 Right on.

5 MR. McKAY: Thank you, Mr. Paris.

6 THE WITNESS: Yes, sir, let's go.

7 MR. LIMAN: Can we resume with  
8 the testimony of Dr. Cudmore?

9 J O H N C U D M O R E, having previously  
10 been sworn, resumed the stand and was examined  
11 and testified further as follows:

12 EXAMINATION (cont'd) BY MR. LIMAN:

13 Q Dr. Cudmore, just review where we were at;  
14 you were a surgeon in Buffalo?

15 A In private practice.

16 Q In private practice. You teach at the Buffalo  
17 Medical School and you also are attached as a major  
18 to the National Guard and you were told over the  
19 weekend of September 10 that your services might be  
20 required at Attica, but there was no definition of  
21 what the role was of the National Guard, whether it  
22 would be in an assault function or whether it would  
23 be in a security function or whether it would be  
24 simply from a medical function?

25 A That's quite correct. In our previous dis-

---

1 cussion we had gotten up to the point of 2217

2 Sunday night.

3 Q And, Doctor, you said at that point you  
4 had a conversation with General Baker, you were talk-  
5 ing about your conversations earlier with Colonel  
6 Murphy.

7 Was he head of the unit in Buffalo?

8 A Colonel Murphy is the commander of Task  
9 Force 221, which is the New York State Civil Distur-  
10 bance and Aid to Civil Authorities organization res-  
11 ponsible for western New York.

12 Q You then spoke to General Baker, and what  
13 did General Baker have to say?

14 A General Baker was not in complete posses-  
15 sion, I guess would be the appropriate term, of the  
16 facts as to what the guards would be used for at  
17 that particular moment. However, he felt that we  
18 should be prepared for any eventuality from a medi-  
19 cal point of view.

20 We had mutual maps that were published on  
21 the front page of the Courier Express and were able  
22 to refer to the various parts of the institution at  
23 Attica and make plans for setting up the facilities  
24 of a clearing company, which is primarily a tent borne  
25 organization. We planned for the treatment of either

---

1 prisoners or whoever the members of the force 2218  
2 that would be used to take the prison, should it be  
3 necessary to retake the prison, because at that time  
4 he was not in possession, as far as I know, of  
5 facts of whether force would be necessary to resume  
6 control of the institution or not. We made basic  
7 plans, looked at the location of the facilities, and  
8 requested information from me on what the capabili-  
9 ties of what the unit that I had operational control  
10 of were, and we basically made plans for the medical  
11 aspect of the operation.

12 Q Where did you spend the night Sunday night?

13 A I went back over to Maston Avenue Armory  
14 on the other side of Buffalo and spent the night  
15 with the troops of C Company of the 50th.

16 Q When did you get your next call?

17 A Well, we awoke at four o'clock in the morn-  
18 ing because we still -- we were not sure what our  
19 function was going to be. I called over to Task  
20 Force Headquarters and found that they had no further  
21 information, but expected within a half an hour to  
22 have it.

23 After an hour, we called and found that we  
24 were to be prepared to move out at approximately five-  
25 thirty in the morning, proceed to Camp Orion, which

1 is a National Guard training facility, pri-  
2 marily a rifle range, which is located to the best of  
3 my knowledge about twelve miles from Attica.

4           At five-thirty, breakfast was not com-  
5 pletely eaten, so it was postponed until six. We  
6 moved out in a brigade task force formation approxi-  
7 mately reaching Camp Orion at around nine o'clock or  
8 a quarter to nine in the morning. Once we got to the  
9 area at Orion we established the group headquarters,  
10 which consisted of putting in some communications, both  
11 to the prison and organizing our vehicles again, for  
12 whatever eventuality would be necessary.

13           Q     At this time, you are at Camp Orion itself  
14 at five-thirty in the morning?

15           A     No, by now it is pushing nine o'clock in  
16 the morning.

17           Q     Well, as of nine o'clock in the morning,  
18 had you any definition of what the role of what the  
19 National Guard would be?

20           A     Well, as of nine o'clock in the morning,  
21 I presumed we would be used primarily as a Federal  
22 organization because the order came to form our  
23 column with the medical unit in front, which is not  
24 the normal formation that would be used if an assault  
25 force was indicated.

---

1 Q How many members of the National 2220

2 Guard were there?

3 A I can only give you a rough estimate. I'm  
4 sorry. I have access to the figures, but do not  
5 have them memorized.

6 Q Just roughly.

7 A In the neighborhood of five hundred.

8 Q What happened next?

9 A Next we moved out of Camp Orion after  
10 one fifteen minute hold, went off down the road to-  
11 wards Attica with the command jeeps of the task force  
12 in the lead with the -- I was in the jeep of the  
13 commander of C of the 50th. We got within, I would  
14 say, a quarter of a mile of Attica --

15 Q At what time was this, about?

16 A I must apologize. I can give you approxi-  
17 mate times, but I cannot give you definite times  
18 from here on through the rest of the day.

19 Q Approximately what time?

20 A It was approximately twenty minutes to ten  
21 or a quarter to, sometime in that area.

22 Was it after the gas drop and after --

23 A Yes. As I was getting to the first time  
24 that we really realized that we would be involved  
25 was when we noticed that one of our helicopters

---



1 assigned from another unit was flying over 2221

2 and the scent of gas was quite heavy in the air.

3 We next came down the road leading into  
4 the prison itself.

5 Q Could you hear any shooting at this time?

6 A No. I heard no shooting at this time at  
7 all. That, to the best of my knowledge, was com-  
8 pleted by the time we were there.

9 Q So the shooting was all over and now you  
10 are a quarter of a mile from the prison coming in?

11 A Approximately.

12 Q Had you actually been told specifically as  
13 of this point what your mission would be?

14 A At the first of the State Police barricades,  
15 a Major Francis Maschina (phonetic) who at that time  
16 was the operations and training officer for the task  
17 force slowed down by quarter-ton. He said words to  
18 the effect that they shot the hell out of the place;  
19 that we would be used as a medical organization; that  
20 we would not have time to establish a fixed clearing  
21 installation and to deploy my litter bearers as soon  
22 as we got in and got established.

23 Q Now, when Major Maschina told you that they  
24 had shot the hell out of the place, was that the first  
25 notice that you had that firearms were going to be

---

1 necessary in retaking this institution? 2222

2 A In speaking with General Baker the evening  
3 previously, I had asked what plans were established  
4 for the retaking of the institution if it had to come  
5 to that.

6 He was not in -- you know -- he was not able  
7 to give me any specific indication as to what was to  
8 be used, but we were prepared both for a large number  
9 of gas injuries, soft tissue injuries, as would be  
10 caused by clubs, bullet wounds or even stab wounds,  
11 if bayonets were used in the process.

12 Q Were you prepared for something, where to  
13 use the words that were told to you, they shot the  
14 hell out of the place?

15 A Mr. Liman, in honesty, I don't think anybody  
16 could have been prepared emotionally for the sight  
17 of "the placing having been shot up as badly as it  
18 was." We were prepared, insofar as the capabilities  
19 of the unit allowed, to take care of a large number of  
20 casualties. In medicine, sometimes -- fortunately,  
21 sometimes, medicine does not have to be specific. It  
22 does not have to be specific. It does not matter  
23 whether somebody is losing blood because of a stab  
24 wound or a bullet hole. The treatment is the same.  
25 Whatever was wounded in a large number of casualties,

1 our job would have been the same.

2223

2 Q What did you do after you crossed the  
3 police barricade?

4 A After we crossed the police barricade --  
5 it certainly is not a moment for humor, but the dri-  
6 ver of our quarter-ton was a rather nervous indivi-  
7 dual, as we all were that morning, and my main job  
8 was to keep him from going too fast so that we didn't  
9 crash on the way in, because there were many people  
10 waving and shouting and "Hurry up, hurry up," to come  
11 in.

12 We got inside as perhaps as I could indicate  
13 on this --

14 Q Why don't we give him the pointer? Here,  
15 Doctor.

16 A As we could indicate on here, we entered  
17 the prison through the back road and came around the  
18 front to this area here, to this circular driveway.  
19 Initially only the medical aspect of the force was  
20 used and brought in.

21 Our vehicles deployed basically along here  
22 and along there. We came across the front and were  
23 greeted with a scene of absolute confusion. As I  
24 dismounted from the quarter-ton, from the jeep, there  
25 were a large number of civilian ambulances up in the

1 grass in this area, and back here wounded 2224

2 and to my eye dead individuals were being brought  
3 out on civilian ambulance type stretchers and loaded  
4 in the ambulances.

5 Q Were you able to observe the condition of  
6 the people who were being loaded in the ambulances?

7 A Yes, I was. The ones were brought out --  
8 as I was going in to the front of the building attempt-  
9 ing to find someone who was in charge to report that  
10 we were there and to get a basic briefing on what we  
11 would find inside, I passed several who were obviously  
12 dead. They were not breathing. It was interesting.  
13 As I was going in, a body was being brought out that  
14 I presumed to be a hostage because he was white and  
15 from the amount of blood and other material about his  
16 throat it appeared that his throat had been slit.

17 So consequently I can understand how that  
18 rumor had begun if it were indeed not true.

19 Q Was that rumor floating around that insti-  
20 tution while you were there that day?

21 A Very. Very definitely, together with some  
22 more sensational rumors as well.

23 Q Such as what?

24 A Such as hostages had been emasculated; such  
25 as that the hostages, prior to the assault, had been

---

1 forced to commit unnatural acts with the 2225  
2 prisoners.

3 You could almost hear any possible rumor  
4 that could attend such a situation.

5 Q Was anybody in authority there trying to  
6 dispel these rumors and trying to correct them that  
7 you heard?

8 A The people who were in authority there had  
9 more than their hands full attempting to maintain  
10 some semblance of order or to restore it, let alone  
11 change any rumors that were going about.

12 Q When you got there, you saw the ambulances  
13 being loaded. What did you do?

14 A Initially, made sure that the troops were  
15 being deployed so that we could use them; made sure  
16 that they were getting detrucking, getting their  
17 equipment off and passing the word they were not to  
18 establish their clearing station, but in fact, to get  
19 their litters and medical equipment out of the vehicles.

20 Q You didn't have time to establish the  
21 clearing station?

22 A No. There was no time at all.

23 Q Was there any reason why you couldn't have  
24 been brought there earlier, Doctor, that you know of?

25 A Not that I am aware of, no.

1 Q Were you slowed down by any trains  
2 or obstacles that you know of?

3 A In going back over the events of the morn-  
4 ing, I know we crossed a train track. I am not in  
5 remembrance of having been slowed up by a train. The  
6 convoy was proceeding at a rather stop and start  
7 nature as a long line of trucks of that type does,  
8 but I don't remember a train holding us up, no.

9 Q Now -- and you were in front of the line?

10 A Yes. By the time that we entered Attica,  
11 the prison itself, I was in the first jeep.

12 Q Was there anybody in front of the prison  
13 who was in front of the building who was directing  
14 traffic and telling you what to do or where you should  
15 go?

16 A No.

17 Q Did you even know where you should go when  
18 you got there?

19 A Well, fortunately, the Courier Express  
20 had formed a map that we had seen. I had some idea  
21 of the general outline of the place and also it  
22 really wasn't too difficult to follow the line of  
23 litters that were coming out back to where they came  
24 from.

25 Q Did you make any inquiries of anybody as to

1 what to do?

2227

2 A Yes. There was a tall authoritative-look-  
3 ing gentleman there to whom I reported. I introduced  
4 myself and asked what we could do to help, and he  
5 was not aware of what we could do or what we should  
6 do, in fact, he was in a state of rather immanent  
7 confusion.

8 Q So you were really left to fend for your-  
9 selves?

10 A We were somewhat at our own devices, but  
11 on the other hand, our training is aimed at getting  
12 us to react in a situation of that nature.

13 Q You don't know who that individual was?

14 A I have no idea, sir.

15 Q Did you then enter the prison itself?

16 A Yes, I did.

17 I went in the front door and along the cor-  
18 ridor between A and C block and there was a large  
19 amount of rubble in that area. All of the windows  
20 were missing, multiple pieces of glass were all over  
21 the place. By the time I entered and got the door  
22 leading out into A-block --

23 Q To A-yard?

24 A A-yard -- if you like, I could come around  
25 there.

---

1 Q No, Mr. Bramlette can point it out. 2228

2 A Looking at the door there I could see  
3 prisoners being brought out of the door connecting  
4 D to A. They were being brought down the steps. It  
5 was apparent that the shooting had gone on at another  
6 area, so I followed through that corridor into D-  
7 yard.

8 When I got into D-yard, I could only des-  
9 cribe the situation as looking like the painting of  
10 Gettysburg on the third day, if you are familiar with  
11 that, with a large amount of debris, both physical  
12 and human, lying about the area.

13 There was a large trench directly in front  
14 of the door wide enough that it was sort of difficult  
15 to get across. I could see people lying about, appro-  
16 ximately in the area of where you are there, and up  
17 to the upper right of that. There were, at that time,  
18 several civilian medical personnel. I am not in  
19 possession of knowledge as to who they were, whether  
20 they were civilian ambulance personnel or personnel  
21 of the facility itself.

22 Q Doctor, as you went through A-yard and into  
23 D-yard and went through that door, did you observe how  
24 the inmates were being treated?

25 A Yes. If I may, sir, I would like to rather

---



1 attend to that situation a little bit later,  
2 but basically they were in the position of having sur-  
3 rendered, hands on head, were coming down and were  
4 very forcefully being forced down the steps, were  
5 forced to lie down and across there. Apparently the  
6 method employed to get them to lie down was to hit  
7 them with a club across the knees or in several in-  
8 stances not to disguise attempts to hit them in the  
9 genital area was made. Injury was done to prisoners  
10 at that point by the violence with which they were  
11 forced to lie on the ground and crawl across.

12 Q We can come to that as to what you saw.

13 Why don't you continue with your narrative?

14 A Right.

15 Once I got into D-yard, it took about, oh,  
16 anywhere up to five minutes to evaluate the situation.  
17 It was a rather awesome sight. We went about and  
18 had a look as to how many people were there, how badly  
19 they were injured, how many were dead. Basically  
20 I think the term that was applicable would be triage.

21 Q What is triage?

22 A Triage is the process of saving as many peo-  
23 ple as possible when you are faced with a mass casualty  
24 situation. Basically, it is evacuating the people  
25 who are most seriously wounded who have a chance for

---

1 survival first, and then evacuating those 2230  
2 in need of urgent treatment, and then evacuating those  
3 whose injuries, though serious, will not suffer by  
4 being treated later. In short, it is making some order  
5 of medical treatment in a large number of patients.

6 Q Why don't you continue with the situation  
7 in D-yard?

8 A Once we were in D-yard, it was apparent  
9 that we would have to evacuate a large number of  
10 people. I returned from D-yard to A-yard and then  
11 ran into one of the liaison officers of the Guard,  
12 of the National Guard, who was in possession of a  
13 short-wave radio and was able to contact our group  
14 headquarters out in the front, on the front lawn.  
15 I said I would need a large number of litter bearers  
16 and that we would have to establish a medical faci-  
17 lity somewhere in the area for medical treatment of  
18 a large number of patients.

19 Q Where were most of the casualties in D-  
20 yard?

21 A Most of the casualties in D-yard were in  
22 the right upper quadrant of the block as it is shown  
23 there. There were also several around approximately  
24 just where the -- D is in your diagram. In that  
25 area, just behind the trench, there was a rather pathetic

1 looking mechanism. It basically was an  
2 oxygen cylinder tank which was decorated.

3 Looking back on it, it reminded me very  
4 much of the drawings and decorations that my six-year-  
5 old daughter does. If anything, the defences in  
6 that area were pathetic and our neighborhood children  
7 produced better barricades out of the trash that's  
8 in the front yard. It was a very saddening thing to  
9 think that adult human beings, in an obviously des-  
10 perate situation, would be producing such artifacts.

11 Incidentally, in the decoration of this  
12 infernal machine, as I believe it was later referred  
13 to, were the priest's vestments from the hospital  
14 chapel -- that was used to adorn it. There were  
15 several people injured around that area.

16 Q You said from the hospital chapel. You  
17 meant the prison chapel?

18 A Yes. Excuse me. When one works in a hos-  
19 pital most of one's career, one tends to put the hos-  
20 pital in place of any other institution.

21 There was one gentleman with a broken leg.  
22 I did not see whether -- no, we are still back in the  
23 other area. The broken legged man was being loaded on  
24 a stiff stretcher on the other side of the trench.  
25 I remember him quite well because we had to get four

---

1 to six people to lift him over the trench 2232

2 and we finally had to build a plywood bridge to get  
3 him out, but to continue, after making contact with  
4 our headquarters outside, we began to have a series  
5 of litter bearers coming in through the front door,  
6 across A-yard, into D-yard, and bringing all of the  
7 people that were still living out of there.

8 This took us -- again, my time estimates  
9 will be quite faulty, but this took us in the neigh-  
10 borhood of fifteen to twenty minutes. Once we were  
11 through with that process, I went back into A-yard.  
12 By now, there had accumulated a group of persons just  
13 at the door leading from D to A. There was a large  
14 amount of paper cartons around in that area and they  
15 were lying among them. These were people who had  
16 not been there previously. They were ones who had  
17 bullet wounds or in one instance a fractured leg.  
18 This man I saw get his fractured leg. He was coming  
19 down the steps and was hit across his tibular area,  
20 which is the forefront of his leg, fall and was  
21 brought over into that area.

22 Q When you say you saw him hit, hit by what kind  
23 of personnel?

24 A I saw no State Troopers taking part in the  
25 subjugating of the prisoners, at that area. They were

1 standing about in a security premise, but 2233

2 they were primarily the prison guards themselves.

3 They were individuals attired in blue shirts, hunt-  
4 ing boots and khaki pants or blue pants.

5 Q Continue on. You had seen this man run-  
6 ning before and that's how you knew --

7 A I saw him running down the steps. I saw  
8 him hit. I saw him fall. I saw him dragged over in  
9 that area and I subsequently believe that he was the  
10 gentleman who was evacuated with a fractured leg.

11 Q Was he hit with a night-stick?

12 A Yes. The weapons used in that area were  
13 night-sticks. There were no sharp instruments used.  
14 By now in A-yard, they were low-crawling across almost  
15 to the lowermost part of the A-yard. They were  
16 beginning to have the prisoners rise in small groups,  
17 strip and go to form a line against the wall in front  
18 of the institution. It would be the lowermost wall  
19 down there. As four or five would get up, one would  
20 not, and it would be -- we would be called over and  
21 he would have a bullet wound here or there. Several  
22 instances come to mind that amazed me as to how far  
23 someone can go with a serious injury.

24 There was a man who was shot directly  
25 through the chest. I doubt if it could have missed

1 his heart or great vessels by more than two  
2 or three inches. He had made it from there -- from  
3 D-yard into A-yard, lay down, low-crawl and then was  
4 not able to get up subsequently. We would evacuate  
5 these after giving him emergency treatment as indi-  
6 cated. Although it was amazing that emergency stop-  
7 ping of bleeding was not necessary in many cases,  
8 because they pretty well stopped bleeding by the time  
9 they were there.

10 Another individual that I saw in A-yard  
11 and which has been a source of some puzzlement to  
12 me was a black, middle-aged man who had a laceration  
13 quite deep of his right flank down to the depth that  
14 the tissue covers the kidney in that area could be  
15 observed. He was not bleeding profusely from that  
16 area, so I can only believe that he had had it for  
17 some time, more than a matter of ten to fifteen min-  
18 utes. This, to my professional judgment, was inflic-  
19 ted by a sharp object. It did not appear to be like  
20 any gunshot wound that I have ever seen.

21 During this time, we also noted that there  
22 were a group of younger black prisoners being held  
23 lying flat on the ground at the door into A-yard  
24 from the main causeway coming out there. I noticed  
25 that they were lying there and went over to see if they

---

1 were injured. A guard yelled at me. A 2235

2 prison guard yelled at me that they were ringleaders  
3 who "had done the throat-slitting" and they were to  
4 lie there.

5 However, I noticed that there was a little  
6 bit of blood coming out from underneath of one of  
7 them. I looked at him and saw that he had multiple  
8 pellet wounds of the shoulder, but indeed was in  
9 shock or in danger of dying at that moment. We  
10 eventually, at some time, were able to evacuate him  
11 from that area. It was clear we could not be able to  
12 evacuate him at that time.

13 Q Why?

14 A Because the prison guard who had charge  
15 of him with a hand gun and another who had charge of  
16 him with what appeared to me to be a shotgun did  
17 appear to be not allowing me to let them leave the  
18 area.

19 Q Did they call them names?

20 A Yes.

21 Q What were they saying?

22 A I hesitate to use such language.

23 Q I think we have had such language here.

24 A In mixed company?

25 There were racial epithets; the classic

---

1 Anglo-Saxonism of f-u-c-k was used multiple 2236

2 times. The basic tenor of this was "You sons of  
3 bitches had your week last week, this week is going  
4 to be our week."

5 Other related language used I don't think  
6 would serve any purpose other than to say that it  
7 was indeed a rather vulgar and seemingly unnecessary  
8 display.

9 Q This again was from people who you identify  
10 who were other than State troopers, these were guards?

11 A In my remembrances of it, I have a clear  
12 recollection of not seeing the State Police do any-  
13 thing except stand about and be in a position of se-  
14 curity in the area. In fact, our troopers as they  
15 came in were obviously quite nauseated by the whole  
16 view that they would see when they came in.

17 Q When you say your troopers --

18 A Our National Guardsmen; and I thought that  
19 the State troopers that were standing around seemed  
20 to be in about the same state of being part of a  
21 horrible circumstance and not really being sure what  
22 to do about it.

23 Q Continue on, Doctor.

24 A After we had gotten the majority of the  
25 ones from A-yard evacuated -- again, this was multiple

---



1 litter-bearer trips, and incidentally, it 2237  
2 became apparent that the members of C Company of the  
3 50th were not sufficiently numerous to do the litter  
4 bearing all by themselves. Their services as trained  
5 medical people were more necessary at the hospital  
6 of the prison. Consequently, the corpsmen of C of  
7 the 50th were withdrawn and put in the prison hospi-  
8 tal to start preparing their emergency treatment sec-  
9 tor and we started using tank crewmen and to some  
10 extent engineers, as litter bearers, and I must say  
11 at this time that even though they only had basic  
12 small amounts of military first-aid, they did far  
13 better than I thought they would be able to do.

14 Q You said small amounts of military first-aid  
15 training --

16 A Right.

17 Q They are able to function in this state of  
18 gore?

19 A Yes.

20 The training that they receive on their  
21 initial active duty phase and through our aegis in  
22 the Guard is that of basically self-help and buddy  
23 help, but they were remarkably attuned to being able  
24 to gently lift people onto litters, carrying them  
25 without doing further damage to them. I had always

---

1 thought, as you pointed out previously, not 2238  
2 having any combat experience that the young troops  
3 of the National Guard when they first saw a scene of  
4 this sort, would spend half of their time vomiting  
5 and the other half being treated themselves. They  
6 did not do so. They reacted superbly and carried  
7 their mission out very well.

8 That was a digression that I thought neces-  
9 sary.

10 After we had most of the wounded out of  
11 A-yard, I went back out front. By now, I felt the  
12 need of washing my face and getting sort of cleaned  
13 up a little bit. I went back out in front to see  
14 what was going on out there. I ascertained that the  
15 doctors of Company C and the aid men had retired to  
16 the hospital and were beginning emergency treatment  
17 of the wounded that were evacuated over there. I  
18 went back inside, and as I went back in, I happened  
19 to look to my left into C-yard and there saw approxi-  
20 mately eight to ten, perhaps even twelve, litters, of  
21 a non-Guard type, non National Guard. These were not  
22 civilian, but they were not of the equipment that we  
23 carried, with many severely wounded prisoners on them.  
24 We called the litter bearers back in and evacuated  
25 them. They had had first-aid given to them already, I

---

1 believe, by the same people that I saw 2239

2 over in D-yard. They may have been the people evacu-  
3 ated out of there initially.

4 Q How long was this after you arrived at the  
5 institution that you discovered these people in  
6 C-yard?

7 A This would have to be between forty-five  
8 minutes to an hour.

9 Q And all during that period nobody called to  
10 your attention the fact that there were stretcher  
11 cases in C-yard?

12 A No. All during this time the conversations  
13 that I had were either with subordinate members of my  
14 command or with a Regular Army major who was with me  
15 at the time.

16 We had no conversation with anyone else  
17 except our own people and the prisoners as we were  
18 aiding them.

19 Q Were these people seriously wounded?

20 A Yes. There were several dead and several  
21 more seriously wounded. One was in a terminal stage  
22 of pulmonary edema, which means that his lungs had  
23 become wet, and he was frothing and becoming wet.  
24 He was the most serious pf the wounded types.

25 Q So, my understanding is that the evacuation

---

1 of them is your happening to look left as 2240

2 you walked through the tunnel?

3 A I would say so, sir, yes.

4 Q Continue on.

5 A After they were evacuated, we went back into  
6 A-yard, observed more fully as they were being stood  
7 up, stripped and standing in line. During this time,  
8 one episode happened which was rather disturbing.

9 There was a tall -- I should guess in his  
10 early thirties -- black man who stood up in line.  
11 Apparently he either was confused or decided he wasn't  
12 going to go in the direction that the rest of the  
13 people were going, although he didn't seem to be hos-  
14 tile. He was roughly treated. I cannot say that he  
15 was struck with a club at that time. My associate  
16 major was there. He yelled, "He is bleeding from the  
17 head."

18 About this time, one of the prison guards  
19 was coming up to him brandishing a club at him. I  
20 went over to him and saw that he was indeed bleeding  
21 from the head. I took a bandage over and applied it  
22 to his head while he was standing there. I'm not sure  
23 how tall he is, but he must have been six seven, be-  
24 cause I was looking up at him and I am six four. For  
25 the moment, the prison guard was going to hit one of

1 the two of us, either him or me. I didn't 2241  
2 think he would get more than one shot in, because my  
3 Regular Army major was coming up behind him, and I  
4 was pretty sure that wouldn't go too far.

5 We got his wound attended to. About this  
6 time, also, the Regular Army major and I decided that  
7 we had had enough of this.

8 Mr. McKAY: Dr. Cudmore, excuse me.

9 Our reporter has to change his roll.  
10  
11

12 (Continued on page 2242.)  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

---

---

1 Q Before you get to your

2 conversation with the regular Army major, did you see  
3 another incident of an inmate being set upon in that  
4 yard?

5 A Yes, we both did.

6 Q What was that?

7 A They were in the line being taken out the  
8 door into the--out the door between A and C yard--  
9 being taken out the front. I don't know what started  
10 it because I just saw it as this young light skinned,  
11 though not Caucasian individual was taken out of line  
12 or thrown out of line, knocked down, beaten with  
13 clubs rather severely. Although I don't believe they  
14 occasioned any fracture, because he was able to get  
15 back up and go back into line. I don't know what  
16 caused it. He did not seem to be taking part in any  
17 hostile activity. This was just one separate incident  
18 and I didn't see the beginning and the end of it was  
19 that he went back out into the corridor and left.

20 Q I interrupted you. You were saying that you  
21 decided to have a conversation with your--with the major  
22 in the regular Army.

23 A Right. Who was there, incidentally, as an  
24 advisor to the National Guard. I spoke with him and  
25 he spoke with me and we thought that what was going on

---

1 was not appropriate. We felt now

2 --I could put more polite language on it, but we felt  
3 that there was an excessive use of force being used.

4 We discussed briefly the possibility of requesting  
5 General Baker to put the place under martial law and  
6 let us deal with the--let the National Guard deal with  
7 the evacuating of the prisoners from the institution.

8 I do not know how the conversation ended. We did  
9 nothing about it.

10 Looking back on it I regret doing nothing  
11 about it. From there I would say by then the people  
12 had been evacuated from C yard. The prisoners were  
13 low crawling across and the front of the column was  
14 being stood up, undressed and put into line.

15 About this time something interesting hap-  
16 pened. A force of state troopers came through in a  
17 column of twos with their gas masks on. The rumor  
18 went around--as you hear it, people were yelling,  
19 "There's another batch of them over there," pointing  
20 over toward D yard from A yard.

21 Q D block or D yard?

22 A Excuse me. D block, I would guess, the tall  
23 structure on the upper outer quadrant of the D yard.  
24 Right there. Quite. That was the area in which they  
25 were pointing.

---

1           The state troopers dis-  
2 appeared into that direction on the double time. I  
3 subsequently heard two detenations. Whether they were  
4 gunshot wounds or gunshots being fired or whether they  
5 were tear gas being fired, I don't know. I subsequently  
6 saw no fresh bullet holes coming from that area. Those  
7 were the only two shots I heard fired that day.

8           Q     Did anybody speak to any of the correction  
9 officers about stopping this use of what you described  
10 as excessive force?

11          A     This one individual who I thought was about  
12 to apply it to me, we turned about to him and said  
13 that now we thought that had gone far enough and you  
14 might as well have been yelling at the wall.

15                A couple of times we yelled, "Stop that, we  
16 have got to take care of them," and no response was  
17 ever given.

18          Q     Were there any civilian officials, people who  
19 looked like they were in positions of supervision  
20 around there trying to stop this?

21          A     At one time I saw a gentleman attired in a  
22 grey uniform, not a state trooper's uniform, with what  
23 I took to be captain's bars on his lapel in and out.  
24 I did not see any direct supervision of the personnel  
25 who were inside, no.

---

---



1 Q Continue, Doctor.

2 A That is approximately what went on inside.

3 After we got all of the people out who were wounded

4 or I was pretty sure we had, I checked in D yard, C

5 yard and A yard again to see if we missed any. I

6 walked back out front. Now, I inspected it to be

7 5:00 or 6:00 in the afternoon because it seemed like

8 a relative eternity had gone on inside the institu-

9 tion. I found it was 1:00, that we had actually been

10 inside for approximately 3-1/2 hours or so. In that

11 area out in front I again washed a bit of tear gas

12 out of my eyes and walked over to the prison to see

13 how things were going, to see how things were going

14 at the other end of the place we were evacuating--

15 I'm sorry, over in the upper left-hand segment there.

16 I found then that the doctors of the C of the 50th

17 had begun treating the individuals and were in fact

18 taking care of them and I also saw that Dr. Shrenk,

19 who was the chief of surgery at Meyer Hospital in

20 Buffalo--he was there to begin his definitive pro-

21 cedures.

22 Q Do you know when they arrived?

23 A No, I do not. It was shortly before I met

24 him. It hadn't been more than 10 or 15 minutes.

25 Q So it had been slightly before 1:00 p.m.?

---

1 A Right.

2 Q Doctor, do you feel if there had been more  
3 advance notice of what the toll of casualties would  
4 be that steps could have been provided to have faster  
5 medical aid?

6 A Most definitely. As part of the National  
7 Guard force in Buffalo there is an air ambulance com-  
8 pany or at least there was an air ambulance company  
9 at that time. It has large patient carrying heli-  
10 copters. We could have evacuated directly from the  
11 prison to a local area hospital or directly to a major  
12 hospital in Buffalo had we had the time, the knowledge  
13 that the assault would cause that many casualties and  
14 the permission to evacuate them. Also if we had had  
15 two hours more we could have set up tents. The na-  
16 tionally shown picture of patients lying on the grass  
17 alongside of the hospital--along the dotted line in-  
18 dicates a chain link fence lying along there. It was  
19 quite obvious they were still outside. They certainly  
20 were. They were outside because there was no place  
21 to put them inside. In taking care of a large number  
22 of casualties you take care of the most severely  
23 wounded first. They are brought inside and cared for.  
24 The rest stayed out. We could have set up some tents  
25 to give them some sense of having more treatment though.

---

1 Q Were you told anything  
2 about whether inmates could be evacuated outside the  
3 walls?

4 A Initially I had the understanding and I  
5 could not quote from whom I received this understand-  
6 ing that inmates could not be removed from the prison  
7 themselves, itself.

8 Q Was the prison hospital and the facility that  
9 you saw there equipped to treat so many wounded and  
10 hurt people?

11 A Mr. Liman, obviously not, no. They may be  
12 a very adequate medical facility for a small number of  
13 patients with a general practice type of diagnosis,  
14 but certainly they are no means equipped to do major  
15 surgery or by no means even major resuscitation.

16 Q In addition to the act of excessive physical  
17 force, was there a lot of name calling going on?

18 A Yes, yes.

19 Q That also was, I take it, pregnant with racial  
20 epithets?

21 A Yes.

22 Q Who was participating in that?

23 A Well, sound is difficult to determine as to  
24 its ideology, but it seemed to be primarily the prison  
25 guards themselves. I can't say that state troopers or

---

1 county sheriffs didn't take part in

2248

2 it, but I didn't specifically notice any so do.

3 Q Doctor, I don't know whether this is a  
4 fair question, but I'm going to ask it anyway. Here  
5 you are a man in white. Have you thought back as to  
6 why you didn't try to stop what was going on in the  
7 yard?

8 A Mr. Liman, yes. I think I would have to  
9 modify your question. I was a man in green that day,  
10 green with a little white on the side.

11 Why? Because the semblance of actual autho-  
12 rity were in charge of the operation. We had not been  
13 briefed as to what exactly the taking of the prison  
14 would entail. I think if you must know, honestly,  
15 there was sufficient confusion in getting the wounded  
16 evacuated and out that I did not give it adequate con-  
17 sideration. I am not sure what we could have done to  
18 stop it other than coming in with a third force  
19 effectively and stopping what was going on inside.

20 Q When you said that there was a semblance of  
21 authority there, are you saying it seemed that it was  
22 so well accepted that it--

23 A Yes.

24 Q --that it was part of the routine?

25 A It did seem so. To say part of the routine,

---

1 nothing that day was routine.

2 Q Right.

3 A Someone who has grown up in an authoritarian  
4 organization, who believes in authority figures--if  
5 you see a state trooper standing around doing some-  
6 thing, presumably it's right. If he is standing there  
7 watching and guarding the premises, what's going on at  
8 least has some semblance of respectability.

9 Q Doctor, did some of your units request per-  
10 mission to stay on?

11 A Yes. The Meyer Memorial Hospital responded  
12 very well to the call for help, but we were to leave  
13 at approximately 5:00 that afternoon and the officers,  
14 the doctors and the enlisted men of the medical com-  
15 pany requested permission to stay and continue taking  
16 care of the patients until they were sure there was  
17 nothing else that they could do.

18 From a logistical point of view this was  
19 difficult because usually the units travel together,  
20 but the task force commander gave them permission to  
21 do so and I understood they stayed there several more  
22 hours giving first aid.

23 Q Were you also requested to provide person-  
24 nel to remove the dead from the catwalks?

25 A Yes, Mr. Liman, we were. This was shortly

---

1 after I had come out at 10:00 in the  
2 afternoon. Looking back on it you don't really realize  
3 how emotionally involved you become with something un-  
4 til you consider what you say in the circumstances and  
5 I was asked to get together a group of National Guards-  
6 men to go up on the catwalks, which I was never up on,  
7 to remove the bodies from there and I am afraid my re-  
8 sponse would not bear repetition either; that they had  
9 created the bodies, they could bloody well remove them.  
10 I was not particularly happy with the circumstances at  
11 that time.

12 MR. LIMAN: No, Doctor, before you con-  
13 clude your testimony and the questions are asked  
14 of you by the Commission, I thought that we would  
15 put on members of the National Guard now to tell  
16 of their experiences and then the Commission can  
17 address their questions to each of you and every-  
18 body would have a right to make a statement.

19 THE WITNESS: Certainly, sir.

20 MR. McKAY: Will you remain standing to  
21 be sworn.

22 Do I understand correctly that we have  
23 Mr. O'Day, Mr. Futterman and Mr. Dill?

24 MR. LIMAN: Yes.

25 LOUIS FUTTERMAN, RONALD DILL, and JAMES O'DAY, having