

AFTERNOON SESSION

2349

2:00 p.m.

MR. McKAY: This is the afternoon session of the twelfth day of the public hearings before the New York State Special Commission on Attica.

Mr. Liman, will you introduce our witness.

MR. LIMAN: Vincent Mancusi.

V I N C E N T        M A N C U S I, called as a witness, being first duly sworn by Mr. McKay, was examined and testified as follows:

EXAMINATION BY MR. LIMAN:

Q Mr. Mancusi, you are now retired; am I correct?

A Yes, sir.

Q And you were superintendent at Attica?

A I was.

Q And when did you first become superintendent at Attica?

A September 23, 1965.

Q How many years had you been in the correctional service?

A About 29 years previous to that.

1 Q What other institutions had you 2350  
2 worked at besides Attica?

3 A I started at Woodbourne. I was promoted  
4 to kitchen keeper at Woodbourne. Then to lieutenant  
5 at Clinton prison at Dannemora. I also was promoted  
6 to captain there.

7 I was permanently promoted to assistant  
8 deputy warden at Auburn. Later to the position of  
9 deputy superintendent at Elmira Reformatory. And then  
10 to warden at Attica.

11 In the meanwhile I'd also had a tour of  
12 duty, about 16 weeks at the Williams prison at Bedford  
13 Hills as the commissioner's representative.

14 Q How old are you, Mr. Mancusi?

15 A Fifty-seven years old.

16 Q What is your education level?

17 A I have a Bachelor of Science in education  
18 from the State University of New York at New Paltz  
19 and a Master of Arts in correctional administration  
20 from St. Lawrence University.

21 Q When did you obtain the master's degree?

22 A The master's degree was granted in 1957.

23 Q So that you took your courses while you were  
24 working?

25 A Yes, sir, I did.

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1 Q Could you describe briefly for us 2351  
2 what the duties of a superintendent are?

3 A Well, briefly it would be to supervise the  
4 operation and maintenance of a maximum security prison.

5 Q To what extent does the superintendent have  
6 authority to establish the rules for his own institution?

7 A He has the ability to establish, with the  
8 permission of the commissioner, institutional rules.  
9 However, departmental policy and rules are established  
10 by the commissioner.

11 Q And do the rules vary from institution to  
12 institution to some extent?

13 A Yes, there is variance from institution to  
14 institution.

15 Q What kind of staff did you have actually  
16 assisting you as superintendent, supervisory positions?

17 A There were a total of 540 employees with the  
18 hierarchy running as follows:

19 A superintendent, deputy superintendent,  
20 assistant deputy superintendent, one captain, five  
21 lieutenants, ten sergeants, 373 correctional officers.

22 The remainder of the employees to make up  
23 540 would be from the various other categories com-  
24 prising medical, health, farm, power plant--

25 Q What were the duties of the---

1 A (continuing) --education. 2352

2 Q What were the duties of the deputy super-  
3 intendent?

4 A Under the direction of the superintendent  
5 to operate the institution.

6 Q Did he act more or less as the executive  
7 officer?

8 A He would be the executive officer of the  
9 institution.

10 Q To what extent does the superintendent have  
11 control over the people who are hired at the institu-  
12 tion?

13 A The majority of employees are hired under  
14 civil service. There are a few non-executive positions  
15 wherein the superintendent has the authority to hire  
16 or fire, but the vast majority of the positions are  
17 under the classified New York State Civil Service  
18 Department.

19 Q Do you have any control over the officers  
20 assigned to your institution?

21 A No, sir. Most officers--most vacancies occur  
22 in the southern part of the State and officers are  
23 appointed to one of the institutions in that area and  
24 then put in a transfer to get to the institution which  
25 they wish to remain at.

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1 Q Who establishes the budge for the 2353  
2 institution?

3 A A suggested budget goes to the department.  
4 The department goes over the budget. When it meets  
5 with their approval, it is then forwarded to the  
6 Budget Department of the State.

7 Q Are you told how much money you have avail-  
8 able?

9 A Finally, yes.

10 Q But you make a request and then it's passed  
11 on in Albany, I take it?

12 A Correct.

13 Q What about on the matter of wages paid at  
14 an institution, who sets the wages for inmates as well  
15 as employees?

16 A Wages for the inmates are set by the  
17 commissioner's office. The wages set for employees  
18 are by the Division of Classification.

19 Q What would you say, Mr. Mancusi, were the  
20 main differences between Attica when you came there  
21 in 1966 and Attica in early September before the up-  
22 rising?

23 A I think that there had been an expansion of  
24 certain programs there. The population, I believe, was  
25 higher; the educational program had been expanded.

1 A work release program had been 2354  
2 initiated and was in operation on a pilot basis. A  
3 vocational rehabilitation program was jointly funded  
4 with the Federal Government, was in operation in order  
5 to treat the handicapped throughout the department.  
6

7 The dental staff was doubled; there had  
8 been one originally and two presently. I think that  
9 there had been a decrease probably in the regimentation.

10 Q Was there a change in the ethnic balance of  
11 the population?

12 A Yes, there were more blacks---at the time that  
13 I came there I would say that there were ten per cent  
14 less blacks than there were when---in 1971, '72.

15 Q Was there a change in the average age of  
16 inmates?

17 A I think that the average age had decreased.  
18 We were getting younger inmates.

19 Q Was there a change in the length of sentence?

20 A Sentences were, as a rule, much shorter.

21 Q Was there a change in the geographic origin  
22 of the inmates?

23 A I can't say that there was any appreciable  
24 change in this. Because of the trouble in New York  
25 City, certain institutions were taking City people and  
some of the prisoners who would have been housed else-

1 where were then being housed in Attica. 2355

2 Some that possibly from--a greater amount from the  
3 metropolitan area.

4 Q That was because of the overcrowding--

5 A In New York City.

6 Q Did your prison population increase over  
7 the five years in Attica?

8 A Yes. About a year before the riot, the  
9 population had dropped around 1600. Then, because  
10 of this New York City situation, our population in-  
11 creased to the point where it was about 2250.

12 Q Did you feel that there was a change in the  
13 attitude of the inmates coming into the institution?

14 A Yes, I think that there was a great deal  
15 higher degree of militancy, of dissatisfaction and  
16 I think that this is not unusual because of the  
17 militancy on the outside.

18 Q By "militancy," what do you mean?

19 A I mean demonstrations on the outside and  
20 evidence of militancy which you would see on the  
21 inside.

22 Q Would evicences of militancy be, for example,  
23 a sit-down strike or other protests that preceded it--

24 A I think that you could characterize it in  
25 the general climate of the institution, in the behavior

1 of the people confined there.

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2 Q Did you feel that people were more dis-  
3 content with prison in 1971 than when you first  
4 arrived?

5 A Yes, I did, and I felt that there were more  
6 people trying to sow seeds of discontent also.

7 Q On the matter of what you were doing for  
8 the inmates, you said that programming had been expanded.

9 In what way had programming been expanded?

10 A Additional educational positions, both  
11 academic and vocational have been added. A black  
12 study course had been instituted. Negotiations had  
13 been carried out on a number of occasions to attempt  
14 to get college courses at Attica taught in the prison.

15 We did give college proficiency exams and  
16 college credit could be earned. However, this was  
17 on a manner of independent study.

18 Q Was your school overcrowded?

19 A Yes, it was. We could have used more space.  
20 We could have used more teachers.

21 Q Were your other programs understaffed and  
22 overcrowded?

23 A The institution was not overcrowded in that  
24 anyone had to double up as far as cell space goes.

25 Everyone had individual cells.



1  
2 However, it's my opinion that

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3 population in excess of 1600 results in a decrease  
4 in the effectiveness of programs and in the ability  
5 to provide programming and the ability to provide  
6 worthwhile work.

7 Q Did you consider the recreational facilities  
8 adequate?

9 A Yes, sir, I did.

10 Q Did you feel that the people had enough  
11 time for recreation?

12 A Yes, I believe that the inmates had more  
13 recreational time there than the average man does on  
14 the outside.

15 Q But did inmates also have more time in  
16 their cells than the average man has in his room at  
17 home?

18 A Yes, sir. That is true.

19 Q Did you feel that people had too much time  
20 in their cells?

21 A I felt that it would have been fine to have  
22 evening programs. However, they could not be carried  
23 out without the proper manpower to do this.

24 Q Was there any attempt by you to obtain  
25 additional manpower so that cell time could be reduced  
and programming expanded?

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1           A     Yes, surveys had been made and                   2358  
2 presented to the commissioner's office for them.

3           Q     Who had made the surveys?

4           A     The institution.

5           Q     And this was prior to September?

6           A     Yes, sir.

7           Q     Do you recall, I know you don't have your  
8 records, but do you recall when the last such survey  
9 and budget request went in?

10          A     No, sir, I don't, but I know that it was  
11 before the riot.

12          Q     Was it approximately December 1970?

13          A     I would say that it would be some time in  
14 1971, early perhaps in 1971.

15          Q     Did you consider the hygiene facilities at  
16 the institution adequate?

17          A     By "hygiene," do you mean the--

18          Q     Showers, for example, toilet paper regula-  
19 tions.

20          A     No. Insofar as the total paper was concerned,  
21 this did not become an issue until the complaints  
22 were made. It would have been nice to have had the  
23 money to give everybody all of the things that they  
24 wanted.

25                   As far as the showers goes, provisions were

1 being made to install showers in the yards 2359

2 so that they could be had and people received hot  
3 water in their cells every day, could have, but  
4 because of the way that the institution was constructed  
5 with the present facilities, it was impossible to  
6 give everyone a shower every day. About 1000 had  
7 the ability to have showers every day.  
8

9 Q I wasn't asking you whether you felt that  
10 it was feasible to increase something.

11 Did you feel that it was adequate to give  
12 a man a shower once a day as was the case for about  
13 half the population?

14 A No, I would have preferred to have been  
15 able to give it more.

16 Q I should have said once a week. I said once  
17 a day.

18 A I meant more than once a week.

19 Q Did you--by the same token, in answer to  
20 the recreation questions, did you make any efforts  
21 to improve the recreational facilities?

22 A I had continuously asked and been turned  
23 down for a trained recreational supervisor to handle  
24 the recreation at the institution.

25 Q What about the observation that many people  
have made that all recreation had to be outside and

1 for a good part of the year it's very cold? 2360

2 A This is true. And a gymnasium was in the  
3 works as far as the budget goes and was to have been  
4 constructed in an area inside the walls. It probably  
5 would have been constructed in the next year or two  
6 if the program as it was set up by the budget was  
7 carried out.

8 Q Again, do you recall when the plans were  
9 made to establish a gymnasium?

10 A The plans for the gymnasium had been in the  
11 works for some years.

12 Q Why did it take so long to get it up?

13 A I would assume, sir, that the Division of  
14 the Budget had to assess priorities and they probably  
15 took the position that they had gotten along without it  
16 for so long, they can go another year or two. I don't  
17 know.

18 Q On matters like this where you felt that  
19 conditions could be improved, did you protest to  
20 Albany at all?

21 A Well, I certainly had informed them of the  
22 need for it and that's one of the reasons why it was  
23 in the works.

24 Q Maybe I could put it this way: That by  
25 being in the system so long, did you really come to

1 accept the limitations of budget and the

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2 futility of efforts at change?

3 A Well, I think that certainly you realize  
4 what the limitations are and you try to do the best  
5 job possible under the limitations.  
6

7 Q Well, speaking of limitations, did you feel  
8 that there was effective rehabilitation at Attica?

9 A Yes, I did.

10 Q What do you feel was available to rehabilitate  
11 the inmate?

12 A Well, rehabilitation is something that is--  
13 the reason that it occurs is rather nebulous. I believe,  
14 as a result of my experience, that sometimes rehabili-  
15 tation occurs as a result of the impact of the total  
16 institutional program.

17 At other times rehabilitation occurs as a  
18 result of one segment of the institutional program  
19 and at other times, because of the interrelationship  
20 with some employee and it might not necessarily be  
21 one of the highest priced employees.

22 But I do believe that rehabilitation did  
23 take place. I do believe that if a man wanted to  
24 better himself, the opportunity was there for him  
25 to do this.

Q You said if a man wanted to better himself.

1  
2 Was there anything in the program--  
3 ming to motivate a man who required that motivation?

4 A Well, this is one of the things that the  
5 correctional employee must do, is to be a motivator  
6 and to try and motivate these people under his care  
7 to want to better himself.

8 Q Do you think--

9 A And I believe that this is done.

10 Q Do you think that the average correctional  
11 employee makes that effort, Mr. Mancusi?

12 A Yes, sir, I do.

13 Q Do you think that they are trained to make  
14 the effort?

15 A They are not trained as such as I would  
16 like to see them trained.

17 Q Do you feel that rehabilitation could have  
18 been more effective at Attica?

19 A Yes, I do.

20 Q And in what ways and why wasn't it?

21 A Well, primarily because of budget and lack  
22 of facilities.

23 Q And if you had had additional budget, what  
24 would you conceive of as a program to rehabilitate  
25 people?

A I would have worked for additional vocational

1 training as well as additional academic

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2 training.

3 Q Do you feel that the vocational training that  
4 was given to employees at Attica assisted them when  
5 they got out? I mean inmates.

6 A Yes, I believe that it could assist them  
7 when they got out.

8 Q Had Mr. Van Buren ever told you that he  
9 considered the metal shop to be overcrowded and that  
10 he found it difficult to give inmates trades in those  
11 circumstances?

12 A Yes, he had.

13 Q Who actually made the decision on where to  
14 assign an employee to work? An inmate?

15 A In a large correctional institution--may I  
16 digress?

17 Q Sure.

18 A In a large correctional institution where  
19 there is not enough worthwhile work, the administrator  
20 is faced with two problems: Should he run an Idle  
21 Squad and let two or three or 400 people be idle all  
22 the time and probably these people are the ones who  
23 need the work more than the others, or should he in-  
24 crease the size of all of the various gangs and take  
25 up the slack in this way and reduce the work load of

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all?

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I chose this way to go--

Q Which way?

A Instead of having an Idle Squad, to have everybody have some type of assignment. So that the industry would have to take extra men the same as every other work location.

Q There was, therefore, at the expense of giving people who really wanted training the opportunity to get full training?

A Yes, that would have to be at their expense. However, the people that really wanted to get it you had to worry about. They would get it.

Q From all of your experience in prison administration, do you have an opinion as to how many people, what percentage of the people who enter prison really are motivated to want to get training?

A That would be speculation on my part.

Q But it is a valid speculation for prison officials to make in terms of concepts of programming?

A Yes, I would think that would be a valid speculation.

Q What, therefore, would your estimate be?

A If I had to give you an estimate, I would say probably 60 per cent.

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1  
2 Q Sixty per cent you felt wanted to 2365  
3 help themselves?

4 A Wanted really to better themselves, yes.

5 Q And do you think that given the conditions at  
6 Attica, that you could do enough for that 60 per cent?

7 A I think that that 60 per cent could better  
8 themselves, yes.

9 Q What would they have available to better  
10 themselves?

11 A Well, they could go from being illiterate  
12 to becoming a high school graduate.

13 Q As one of the changes over the years at  
14 Attica, it was that you were getting a higher degree  
15 of literacy in the inmates?

16 A Of illiteracy.

17 Q Weren't you getting a higher degree of  
18 literacy, we see in the figures that more and more  
19 literate people were coming into the institutions?

20 A This could possibly be, but our waiting  
21 list of illiterates was also increasing and this is  
22 what I had reference to at this time.

23 Q So that you had a waiting list of people  
24 who wanted to go to school to become literate?

25 A Not necessarily that wanted to. The commis-  
sioner has a directive that anyone who tests less than

1 nine months of the fourth grade is con- 2366  
2 sidered to be functionally illiterate and must go  
3 to school.

4 However, where there are more of these people  
5 than you have facilities, you must have a waiting list  
6 from which to take these people.

7 Q And do I understand that there were not  
8 enough places in the educational program at Attica  
9 for all of the people who were below the fifth grade  
10 level?

11 A That's correct.

12 Q You said that one thing a person could do  
13 would be to go to school.

14 Who set the structure, the wage structure  
15 so that by going to school you received a wage of,  
16 I think it was 25 cents a day whereas by working in  
17 the metal shop or elsewhere, you could earn more  
18 money?

19 A That was set by the commissioner's office.

20 Q In Albany?

21 A Yes, sir.

22 Q Again, asking your professional opinion, if  
23 you want to motivate somebody to go to school, do you  
24 think that a reverse wage structure where you get a  
25 premium for educating yourself would be in order?

1 A A higher pay or rate of pay would 2367  
2 certainly place a higher value on this.

3 Q You said one thing a person could do would  
4 be to educate himself.

5 What else did you offer?

6 A Academically, that is.

7 Q Yes.

8 A Vocationally, there were four vocational  
9 classes.

10 Q Just to review, that would be the metal  
11 shop---

12 A No, this is separate from this.

13 Q What would the four be?

14 A I would say the barber shop, machine shop  
15 practice, drafting, blueprint reading.

16 Q Approximately how many people, do you recall,  
17 could have places in those programs?

18 A Oh, I would say in the barber shop probably  
19 30 to 40. In the other classes, approximately 25.

20 Q Were these 25 each?

21 A Each class.

22 Q Were these assignments by request of the  
23 inmate?

24 A They might be by request of the inmate. They  
25 might be by the recommendation of the Classification

Board.

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1  
2  
3 Q Who actually would make the decision on  
4 whether somebody went, would it be the superintendent  
5 or the level below the superintendent?

6 A No, it would be levels below the superintend-  
7 ent.

8 Q So you mention now education and vocational  
9 training.

10 What else?

11 A There was also a small work release, pilot  
12 work release program.

13 Q How many people did that have places for?

14 A Six.

15 Q That was initiated during the period that  
16 you were superintendent?

17 A Yes, it was. It was initiated in April '71,  
18 I believe.

19 Q You say it was a pilot program.

20 Was the intention to try to expand it?

21 A Yes, sir, it was.

22 Q Given the location of Attica, were there  
23 many opportunities for work release even if this  
24 one had worked out?

25 A Well, it would require transportation of  
inmates to Batavia, Rochester, Buffalo. This program

1 that is in existence was inmates travel 2369

2 50 miles each day, 25 miles one way in order to work  
3 in a factory.

4 Q And what else, Mr. Mancusi, would you say  
5 was available for an inmate who was motivated to help  
6 himself?

7 A Well, in the industrial program, this was  
8 a relatively new program. The machinery was new.  
9 The skills that were learned there were marketable  
10 and are in use in many areas in New York State.

11 Q But there people were put against their will  
12 in many cases, the metal shop and that's what we mean  
13 by the industrial program?

14 A Yes, that's what I'm talking about, the  
15 metal shops.

16 Q You were aware that the large majority of  
17 the people in the metal shop really didn't want to  
18 work there?

19 A Yes.

20 Q So that they would get very little out of  
21 that program.

22 What about--let me turn for a moment to the  
23 40 per cent who did not want to help themselves.

24 Was there anything at Attica to induce these  
25 people who came in without the attitude of trying to

1 change their lives, to undertake some kind 2370  
2 of counseling or programming?  
3

4 A I would say the overall program and the  
5 members of the personnel that they would come in con-  
6 tact with or even some members of the inmate personnel  
7 who might motivate them.

8 Q When you say "the members of the personnel  
9 that they would come in contact with," that would be  
10 mainly correctional officers?

11 A Yes. Correction officers are the basic unit  
12 of the employment staff.

13 Q So that rehabilitation would, in essence, be  
14 left to the correction officers in the case of people  
15 who weren't interested in going to school or who  
16 couldn't find a place in the school or in one of the  
17 other programs?

18 A Yes, I would say that's fair to say.

19 Q When you came to Attica, did it have Jim  
20 Crow practices?

21 A I believe that there were some scattered  
22 areas where you could probably use this term, although  
23 I can assure you that they were no--I changed this  
24 wherever I saw it. There were no white jobs or black  
25 jobs or red jobs. A man could work in any job that he  
was qualified for,

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1  
2 Q When you came there, were there 2371  
3 black and white athletic leagues?

4 A Yes, there were.

5 Q Did you do anything about that?

6 A Yes, I did.

7 Q What did you do?

8 A I stopped this as much as I could. You can  
9 understand that you can't legislate integration and  
10 make it effective. However, I said that there must be  
11 blacks and whites on teams.

12 Q What about job discrimination, did you feel  
13 when you came to Attica that there was job discrimina-  
14 tion?

15 A I don't know that I had any strong feeling  
16 about it, but any time that I ran across anything  
17 like that, I did away with it.

18 Q How would you go about doing away with it  
19 if you felt that there was job discrimination?

20 A If I came across--

21 Q How would you come across it? What do you  
22 mean by that?

23 A Perhaps by happenstance it would be brought  
24 to my attention, or in the course of the survey of  
25 the institution, this would come to my attention.

Q To what extent would the complaints of in-

1 mates reach you on these subjects?

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2 A There were boxes in every housing area  
3 which were locked and if a man wished to put a note to  
4 me in those boxes, they were brought to me.  
5

6 Q What would you do if you got a complaint that  
7 said there is racial discrimination, or that an  
8 officer is a racist? What would your next step be?

9 A I would see an investigation was made.

10 Q How would you investigate something like  
11 that, because I am sure you got complaints like that?

12 A I would direct the deputy superintendent or  
13 the assistant deputy to see that the information was  
14 gathered concerning this complaint and to bring the  
15 facts before me.

16 Q Did you have available to you on a regular  
17 basis information on the percentages of blacks and  
18 whites, Puerto Ricans in various jobs?

19 A I kept in my office, I had a board so that  
20 the distribution of the population, according to race,  
21 was listed. However, I didn't regularly get in my  
22 office a daily listing of the distribution according  
23 to employment. The deputy superintendent's office  
24 would have that.

25 Q Did you review these to see what the statistics  
showed?

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1 A On occasion, yes. 2373

2 Q Were you aware, for example, of how many  
3 black inmates or Puerto Rican inmates had jobs as  
4 runners, officers' mess or in clerks' jobs, the good  
5 jobs in the institution?

6 A Over the years in these periodic reviews  
7 or it would come to my attention that there was an  
8 imbalance in any areas, I would direct the deputy to  
9 see this was corrected.

10 Q When you came there, were there any black  
11 inmates in the officers' mess?

12 A Actually, I'm not sure that I recall that.

13 Q When you say--you say again, when this would  
14 come to your attention, this would come to your  
15 attention by looking at statistics or by getting a  
16 complaint?

17 A Or as the result of a trip through the  
18 institution and talking to the various either inmates  
19 or officers.

20 Q Still with all of this, it turned out, did  
21 it not, that the jobs were, the good jobs were held  
22 primarily by white inmates, at least out of proportion  
23 to their numbers?

24 A If that's true, I'm not aware of it.

25 Q You also heard over the years complaints

1 about the doctors at the institution; am

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2 I correct?

3 A Yes, I did.

4 Q What did you do about that?

5 A I spoke to the senior physician on a number  
6 of occasions.

7 Q What were the nature of the complaints and  
8 what was your opinion of the matter?

9 A In many instances the complaints would  
10 result from a lack of communication or perhaps a  
11 brusqueness on the part of the physician.

12 A physician has a rather difficult time in  
13 a correctional facility. He has a sick call every  
14 morning and very often people go to the sick call  
15 for many other reasons than the fact that they are  
16 actually ill.

17 So that he has a problem in separating the  
18 fakers from the people who actually are sick.

19 When I will get a complaint concerning  
20 improper treatment or somebody feeling that he wasn't  
21 getting treatment, I would investigate the complaint.  
22 When I had the facts I would usually meet with the  
23 inmate and go over them with him.

24 Often times, as a result of that, the com-  
25 plaint could be adjudicated immediately, or resolved,

1 I should say, not adjudicated, resolved. 2375

2 At other times, there was no basis for the  
3 complaints. If there was basis for the complaints,  
4 I would direct that proper action be taken.  
5

6 Q Who would investigate these matters?

7 A Well, if I had a complaint from an inmate  
8 concerning his physical condition, I would ask the  
9 doctors to tell me what his physical condition was,  
10 according to their records, according to their knowl-  
11 edge.

12 If it were something that they didn't know,  
13 I would see that this man was examined and treatment  
14 prescribed and so on.

15 Q When you said you spoke to the doctors  
16 about things, you are talking about telling them not  
17 to be brusque?

18 A I did discuss this with a doctor on a number  
19 of occasions.

20 Q This was a continuing problem, I take it?

21 A I had heard reports to this effect, that  
22 sometimes on sick call that there would be large numbers.

23 We also instituted a new practice which tended  
24 to cut down the numbers on sick call. When a man  
25 wanted to go on sick call, we made him put his name  
and cell location down and some of the people who just

1 wanted to go to visit friends and what not, 2376  
2  
3 wouldn't take the time to do this and it did reduce  
4 the number on sick call.

5 Q Did you try to get any additional doctors?

6 A Yes. I tried to get additional psychiatrists,  
7 dentists and doctors and two is the quota and we have  
8 the two.

9 Q When you said you tried to get additional,  
10 you tried to get on top of these two and are you  
11 saying you couldn't hire them?

12 A I'm saying that we had no budget allocation  
13 for more than two doctors.

14 Q What about a Spanish-speaking doctor, was  
15 any effort made to get a doctor who could speak Spanish?

16 A No, sir, there was not.

17 Q One of the statements made with respect to  
18 your administration is that you instituted the screen  
19 in the visiting room. Is that the case?

20 A Yes, sir, that's correct.

21 Q What was the occasion of that?

22 A Because of the increase in the narcotics  
23 problem, I felt that there would be an influx of  
24 narcotics in the institution with visiting without the  
25 screen.

I did not worry greatly about the introduction

1 of knives or metal weapons because of the 2377  
2 metal detector at the front which the visitors had  
3 to go through.  
4

5 Q Did you feel that anybody who is determined  
6 to pass narcotics to an inmate would not be able to  
7 do so through that screening?

8 A Yes, I thought that it would be limited.

9 Q Because you can get your hands through the  
10 screen.

11 A Yes, you did.

12 Q In order to move it along and give the  
13 Commission maximum time for questions, I am going to  
14 leave this area now, but I wanted to pose one overall  
15 question about it.

16 I guess that the most basic complaint that  
17 you hear from inmates is that they are not treated  
18 like men.

19 Did you hear those complaints when you were  
20 superintendent, commissioner--I mean superintendent?

21 A Very few complaints of this nature.

22 Q Well, do you feel that they were treated  
23 like men?

24 A No, I feel that they were treated probably  
25 just about the way that they asked to be treated.

Q What does that mean?

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1  
2 A It means a matter of interrela- 2378  
3 tionship between the inmate and the employee. If the  
4 inmate is cooperative and interested in the program  
5 and so on, I would think that he would be treated with  
6 a greater degree of interest than somebody who just  
7 does it because he has to.

8 Q You were aware that the younger inmate, a  
9 person characterized as more militant was not as pre-  
10 pared to accept the way of doing things in prison as  
11 the older inmate; am I correct?

12 A That's correct.

13 Q Was the level of tension and frustration  
14 high in this institution in the summer of 1971?

15 A I would say that it had increased, yes.

16 Q Was it the highest that you can recall?

17 A Yes, I think that would be fair.

18 Q Was there apprehension among your staff that  
19 Attica might explode?

20 A I think that there were people that had this  
21 idea.

22 (Continued on page 2379.)  
23  
24  
25

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1 Q Were you yourself concerned about 2379

2 the situation at the prison?

3 A A correctional administrator is always con-  
4 cerned. I knew that there were certain people who were  
5 working to tear down the system, who would have liked  
6 to have seen the institution torn down and I knew if and  
7 when the time came, there were enough to do it, that  
8 this would happen, although I did not think that this  
9 time had arrived.

10 Q When you say that you knew there were people  
11 who wanted to tear down the prison, how did you know  
12 that?

13 A Well, as a result of information and intelli-  
14 gence that was picked up and as a result of literature  
15 and writings and so on, that came to my attention.

16 Q Would you consider that a person who refused  
17 to work in a metal shop and enlisted others to engage  
18 in a work stoppage to be such a person?

19 A I would consider him to be a serious risk in a  
20 correctional population.

21 Q You realize that you had a number of people in  
22 that institution who were not prepared to accept condi-  
23 tions as they were and they were prepared to protest and  
24 engage in organized protests against them, am I correct?

25 A You are correct.

---

1 Q What did you do about that situation? 2380

2 A Back in June, I believe, of 1971, it came to  
3 my attention that there were five individuals who had  
4 set themselves up as a group who were going to attempt  
5 to enlist people to change things and probably in a  
6 revolutionary manner rather than an evolutionary way.

7 Q These were the people who sent the so-called  
8 July Manifesto, is that correct?

9 A That is correct.

10 Q In that manifesto they said that they wanted  
11 to effect change and I think I am quoting it, I have  
12 it here, in a "democratic manner." You read the mani-  
13 festo?

14 A Yes, this manifesto was sent in from the out-  
15 side. It had been drawn up in Folsom Prison, California.  
16 It had been sent in under the sealed mail privilege which  
17 was an abuse and then had been tailored to meet the  
18 situation at Attica as they saw it.

19 Q But they demanded change in that manifesto?

20 A That is true.

21 Q What--you say that you became concerned about  
22 these people. What did you do?

23 A I requested the Commissioner's office to  
24 transfer these people to various other institutions.

25 Q Was this part of the traditional policy in penal



1 institutions to transfer people who were con- 2381  
2 sidered to be agitators?

3 A That is true. This is one of the advantages of  
4 being in a large system. It was my belief that these  
5 people had a relatively small following at this time and  
6 that before they could recruit a larger following, they  
7 should have their base of operations changed.

8 Q Was that the concept behind this policy of  
9 transferring, keeping people from developing a base?

10 A Yes, that was one of the concepts, yes.

11 Q Commissioner Oswald differed from his predeces-  
12 sors in that he refused this request for a change?

13 A That is correct, for a transfer.

14 Q That was one approach to the problem, to ask  
15 that these people be moved. Was there any attempt made to  
16 deal with the base grievances that they expressed in this  
17 manifesto, many of which appeared in the 28 demands  
18 and which were at that time over the bodies of hostages,  
19 acknowledged by the Commissioner?

20 A They were checked out and anything that could  
21 be done at the institutional level to many of those were  
22 on the Commissioner's level or had to do with proposal  
23 over which--

24 Q Well, they had to do with proposal and matters  
25 which were either for the Legislature or for the Correc-

1 tion Department, but they also had to do with 2382  
2 things such as matters we have discussed and showers and  
3 soap as well as diet--were there any things here in  
4 this manifesto that caused any change or response on  
5 the institutional level?

6 A Yes. There was--pork was not used to the ex-  
7 tent that it was before and the diet is one of the things.

8 Q Your pork came basically from your own farm?

9 A Yes, sir.

10 Q And so you were in a real sense wed to a pork  
11 diet, am I correct?

12 A Yes. In feeding an institutional population,  
13 at that time we had a daily per capita cost and it was  
14 not much, so that it was incumbent upon the administra-  
15 tion to feed as well as possible within the limits and  
16 by raising your own pork, this could stretch your food  
17 budget.

18 Q What were--what was the per capita cost?

19 A 62 cents a day at that time.

20 Q I'm told that that was a figure that produced  
21 a diet below the level of the Welfare Department. Did  
22 you consider it to be adequate?

23 A I can only say that that department at Attica  
24 for years had the reputation of being one of the best  
25 feeding institutions.

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1 Q But that is speaking comparatively. 2383

2 What about looking at it more objectively. Did you con-  
3 sider feeding people on 62 cents a day to be adequate?

4 A It could have been much more adequate with  
5 more, I will say that.

6 Q Was there a difference in approach between you  
7 and Commissioner Oswald on these matters of grievances,  
8 inmate grievances?

9 A I don't understand your question.

10 Q Well, was Commissioner Oswald more receptive  
11 to making changes than you were, sir?

12 A I think that Commissioner Oswald was--had  
13 planned to make tremendous changes in the department and  
14 in fact he had already indicated that.

15 Q Were some of these changes, changes that you  
16 would say you either disagreed with or would have had  
17 difficulty adjusting to?

18 A Commissioner Oswald had changes which I dis-  
19 agreed with, yes.

20 Q Give us some illustrations of those, sir.

21 A One of the changes with which I disagreed with  
22 was the censorship. I feel that the sealed letter and--  
23 I feel that in a correctional institution that there should  
24 be censorship.

25 Q Commissioner Oswald provided for sealed letter

1 fortunes to lawyers, legislators and that?

2384

2 A Yes.

3 Q Again, could you give me another illustration  
4 and then I will leave that area of differences, leaving  
5 it for the Commission to pursue.

6 A That is one of the biggest ones.

7 Q Did you receive rumors in July that on July  
8 4th there was going to be trouble at Attica?

9 A Yes, I did. And I had every July 4th in all  
10 of the times that I had been working at Attica and I had  
11 been informed that this was true for years before this.

12 You see, because of the nature of the recrea-  
13 tion yards, a man in C-block, for example, recreates in  
14 the C-block yard. A man in A-block, in the A-block yard.  
15 July 4th is a traveling day. In other words, a man can  
16 go to whatever yard that he pleases.

17 Q Superintendent, did you do anything about it?

18 A Each time that we heard this we made provisions  
19 in the event of problems, we had more people on hand.  
20 We checked around to see the basis of the information that  
21 we had.

22 Q Did the unity which was demonstrated at Jackson  
23 Day create apprehension on your part?

24 A Yes, it did.

25 Q Were any reprisals taken against the people who

1 participated in Jackson Day?

2385

2 A Not to my knowledge.

3 Q Were any instructions given to your officers  
4 as to how to behave on Jackson Day?

5 A Yes, instructions were given to them to cool  
6 it and to be extremely careful to see that no precipitat-  
7 ing incidents occurred.

8 Q Turning to September, had the level of tension  
9 subsided?

10 A After the day which you talked about as Jack-  
11 son Day, it seemed that it had. Things seemed to have  
12 cooled off.

13 Q Did you feel that you had an institution which  
14 was secure considering your fears about various inmates  
15 and your knowledge of what the frustrations were?

16 A Yes, I felt that I had an institution that  
17 was secure but I felt I had an institution that was  
18 heavily understaffed. And this--

19 Q Were requests made for--

20 A Yes, sir. On a number of instances, in writing,  
21 by telephone and face to face for an increase in cus-  
22 todial staff and supervisory staff. Also three surveys  
23 had been made which demonstrated this. Starting with  
24 in December of 1970. A survey was made at the request  
25 of Commissioner Paul McGinness and the Commissionship

1 was assumed by Commissioner Oswald on January 1st 2386

2 and the report was sent to him.

3 Q As a result of all of these surveys, did you  
4 get any effective additional staffing?

5 A I was informed of the budget inadequacies and  
6 the budget problems and I did not.

7 Q Did your staff in fact become reduced in terms  
8 of supervisory personnel?

9 A Yes, it had and if one or two supervisors be-  
10 came ill, which was often the case, this meant that we  
11 were not getting even, I would say, the necessary limited  
12 supervision.

13 Q On September 8th you were in attendance that day  
14 at a labor-management meeting, am I correct?

15 A You are.

16 Q That was the day before you planned a vacation?

17 A That's correct.

18 Q During that afternoon, did word reach you that  
19 there had been an incident in A-yard?

20 A It did.

21 Q What were you told and by whom, if you recall?

22 A I believe that a lieutenant came to the door  
23 and talked to the deputy. I believe it was Lt. Moroney,  
24 and he--an incident occurred in the yard wherein two in-  
25 mates were either fighting or horse-playing to the effect

1 where one knocked the other down and the officers 2387  
2 felt that they were fighting and that they should be  
3 keep locked. They called the inmates, the inmates re-  
4 fused to come. The lieutenant went to the one inmate,  
5 the other one faded into the crowd. This inmate re-  
6 fused to go with the lieutenant and told the lieutenant,  
7 he said, now, old man, you're going to get yours and  
8 he squared off at him and he hit him in the chest  
9 lightly.

10 Another lieutenant came along, tried to calm  
11 the situation down. They were encircled. In order to  
12 soothe things they came out and saw the direction.

13 Q This is what was reported to you and what was  
14 the direction which they were given and by whom?

15 A The direction was given by myself, I believe,  
16 and they were told to let them go, let it go, let it go  
17 to dinner, to the night mess and after that the two  
18 inmates would be moved to HBZ.

19 Q Did you believe when you gave that direction that  
20 the two inmates who were going to be apprehended and  
21 moved to HBZ were the inmates engaged in this squabble  
22 in the yard fighting with each other?

23 A Yes, sir, I did. And at the first time this  
24 was brought to my attention, I instructed them to find  
25 out who the other one was.

---

1 Q They told you that one of the inmates 2388  
2 was known and that the other, they hadn't been able to  
3 identify?

4 A That is correct.

5 Q And you gave instructions that they should  
6 identify the other inmate who was involved in this horse  
7 play or fight and if they could, to remove both of them  
8 to HBZ?

9 A After the population was locked in their cells.

10 Q First, was it unusual to have a situation such  
11 as this where an officer was struck and the--and the  
12 officers had to back off?

13 A Yes, sir, it was unusual.

14 Q Was it unusual to remove inmates to the box not  
15 immediately but after they all had been locked in their  
16 cells?

17 A That was not particular unusual.

18 Q Was there any apprehension on your part in  
19 view of the fact the inmates had refused to come in?  
20 That there might be an incident in attempting to remove  
21 them?

22 A No, this illustrated the increase in militancy  
23 and increase in tension but at that time I was not appre-  
24 hensive concerning the other part.

25 Q Did you remain at the institution until after



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21 them?

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23 and increase in tension but at that time I was not appre-  
24 hensive concerning the other part.

25 Q Did you remain at the institution until after

1 the inmates were removed?

2389

2 A Yes, sir, I did.

3 Q Were you told that the second inmate was iden-  
4 tified?

5 A Yes, I was.

6 Q And were you told that the one who had already  
7 been known was in three company and the one who was now  
8 identified was in five company?

9 A True.

10 Q You were not present when they were removed  
11 to the HBZ?

12 A No, sir, I was not.

13 Q Were you told that there was any difficulty in  
14 removing either of these men to HBZ?

15 A Yes, I was.

16 Q Who reported that to you and what was the  
17 trouble?

18 A I believe it was Lt. Curtis, possibly, that re-  
19 ported that they had had to carry the man, that he had  
20 refused to move and it was necessary that the first man  
21 be carried. The second man--

22 Q The first man was in three company?

23 A Three company, that is correct.

24 That in taking the second man from five company,  
25 that implements had been thrown from the cells and that

1 a correction officer had been injured by a jar 2390  
2 or a can or a glass, something of this nature, requiring  
3 medical treatment.

4 Q You believed at that time, again, that the man  
5 in five company was the man who was engaged in the fight  
6 in the yard?

7 A Yes, sir.

8 Q When did you learn that it was not that man?

9 A At a later date.

10 Q Do you know who identified him, I am not asking  
11 by memory, was it one of the sergeants or correction  
12 officers?

13 A I was informed by a lieutenant as to the name  
14 of the man.

15 Q Were you informed of that by Lt. Curtis?

16 A Yes, sir.

17 Q Did Lt. Curtis tell you that he had come to the  
18 yard after the fight had taken place?

19 A Yes, sir, he did.

20 Q But he did not tell you who it was who identi-  
21 fied the man in five company as having been in the fight  
22 originally?

23 A I don't recall that right now.

24 Q Were you told that when the man from five com-  
25 pany was removed and a jar or can thrown, that there

1 were also threats uttered by fellow members of 2391

2 that company?

3 A I was told that there was screaming, yes.

4 Q What were you told the nature of the screams  
5 and the statements were? Other than profanity.

6 A All I can say and I have to paraphrase it, that  
7 they were loud and that--unhappy and that they had  
8 voiced their disapproval and so on.

9 Q Were you told that in voicing their disapproval,  
10 that there were statements that they were so angry that  
11 they would tear up the place the next day?

12 A I have heard that. I don't know whether I  
13 heard it afterwards or I heard it that night.

14 Q In any event, did you take any precautions for  
15 the next day?

16 A Yes, we had held men over that evening until  
17 the institution was closed and that these men were put  
18 in HBZ. I checked with the night people on the rounds  
19 and the area had quieted. I checked in the morning to  
20 see how the first breakfast was and that was normal.

21 Q Before we get to that, was a decision made as to  
22 what to do with the man who had thrown the object which  
23 had cut one of your officers?

24 A Yes, it was. It was decided to leave this man  
25 in the cell and have him appear for the adjustment committee

---

1 in the morning.

2392

2 Q Who made that decision?

3 A I did.

4 Q Can you explain why you decided without an  
5 adjustment committee to have two people who were en-  
6 gaged in a scuffle in the yard, one of whom had struck a  
7 lieutenant, to have them removed to HBZ but to leave  
8 in his cell a man who had thrown an object?

9 A I felt that this removing the two men at  
10 night had caused this commotion and I felt that there was  
11 no sense in causing further commotion at that time.

12 Q You say the following morning you checked to  
13 see how things had gone at the first breakfast?

14 A I did.

15 Q Was any request which Lt. Curtis made to Mr.  
16 Vincent to keep staff on or bring them in early brought  
17 to your personal attention?

18 A No, I don't think so.

19 Q In any event, did you give consideration to keep-  
20 ing additional staff on in the morning?

21 A Certainly if there had been unrest in the morn-  
22 ing at the first breakfast or indications of unrest, the  
23 night shift would have been held. That is the shift that  
24 works 12 to 8. This was not done because of the assess-  
25 ment made by the assistant deputy superintendent and the

1 captain.

2393

2 Q When was the first time that you learned that  
3 anything had gone wrong the morning of September 9th?

4 A I would say approximately 8:10, 8:15, in that  
5 area.

6 Q You had come to the institution that morning  
7 by that time?

8 A Yes, sir, I had.

9 Q This was the day you were going to leave on your  
10 vacation?

11 A Yes, sir.

12 Q So this was a last check of the institution?

13 A No, I wasn't going to leave until three o'clock.

14 Q What were you told had gone wrong at that time?

15 A I was told that when they had released five  
16 company for early breakfast, an inmate had reached over  
17 the shoulder of the officer operating the controls in  
18 the lock box and released the keep locked individual  
19 who had thrown the jar the night before.

20 Q A question has been raised as to how this is  
21 possible. Would you describe what the lock box with the  
22 levers looked like in A-block?

23 A Well, this is a metal box approximately, oh, I  
24 would say four feet wide by possibly six feet high which  
25 has two rows of levers. It's a Van Dorn locking system

1 and these levers are tripped to open the cell 2394  
2 doors or lock them open or lock them closed.

3 Q What prevents an inmate from getting access  
4 to them normally?

5 A This box is locked except when an officer is  
6 using it.

7 Q Why was it open that morning?

8 A Because the officer was letting the company out.

9 Q And was it normal practice for him to keep it  
10 open at a time when inmates were passing?

11 A It was necessary for him to open it to re-  
12 lease his company.

13 Q And so it would be open when inmates passed  
14 them?

15 A Yes.

16 Q As in normal practice?

17 A Yes.

18 Q You were told the inmate had been let out?

19 A Yes, sir.

20 Q What did you do?

21 A I advised them to let him go to breakfast and  
22 when they returned from breakfast, rather than turn them  
23 into the A-yard to run the whole company into the cell-  
24 blocks; when he was confined again, then release the  
25 rest of the yard for recreation.

---

1 Q Did five company pose a special problem 2395  
2 for you, Mr. Mancusi?

3 A A special problem--

4 Q In terms of apprehension.

5 A Five company was a company of difficult per-  
6 sonalities, I believe you could say.

7 Q They were put in that company because they were  
8 difficult personalities?

9 A Yes.

10 Q One policy of the Department of Corrections  
11 was to move people out of institutions when they became  
12 difficult to handle. That is the policy that you talked  
13 of that Mr. Oswald didn't follow. To keep them moving.  
14 Was it also a policy to lump together in a--in one company  
15 those people who we consider to be difficult persons?

16 A Sometimes this would occur.

17 Q Do you consider that to be good policy, sir?

18 A It depends upon the area, it depends upon the  
19 work. Depends upon the individuals.

20 Q It also, I suppose, depends on the officer.  
21 Was there any special assignment of particularly quali-  
22 fied officers to five company?

23 A No, you know, as far as assignment of officers  
24 go, we are regulated by a union contract and administra-  
25 tion has relatively little control of assignments. As-



1 signments must be given due to seniority or request. 2396

2 Q So that this is the job bidding system that we  
3 have had testimony about, am I correct?

4 A This is correct.

5 Q And you were therefore in a position where you  
6 were following a policy of putting together your most  
7 difficult cases but yet you didn't have control over the  
8 officer who would be in charge of the company?

9 A Unfortunately we are in a position where you  
10 do not always have the officer assigned to the job that  
11 you would assign him if you had the freedom of action,  
12 which we had before unionization.

13 Q You wouldn't expect the more experienced  
14 officers normally to bid for the more difficult companies?

15 A This is true.

16 Q You said you gave instructions that the company  
17 was to be permitted to go to breakfast and then returned  
18 to the cells?

19 A I did.

20 Q Was there any effort to communicate this news  
21 to the company or to the man who was in charge of the com-  
22 pany that you know of, the officer who was leading the  
23 company? Was there any way you could reach him?

24 A I instructed a lieutenant and he took it from  
25 there.

---

1 Q The lieutenant was Lt. Curtis?

2 A Yes, sir.

3 Q Where were you then?

4 A I was on the first floor of the old administra-  
5 tion building. We had been discussing the incident of  
6 the night before and was adjacent to the chart office.

7 Q Now, after you gave these instructions to Lt.  
8 Curtis, did he leave to carry them out?

9 A The instructions were given, carried out and  
10 then he returned and we discussed this thing further.  
11 We were discussing it when they came back.

12 Q What did they say when they came back?

13 A That there was trouble in A-block.

14 Q Who said that, another officer?

15 A No, I believe that Sgt. English informed me.  
16 He was the chart officer at that time.

17 Q Did he describe what the trouble was?

18 A No, he didn't. That is what he said.

19 Q What did you say?

20 A I directed Lt. Curtis to go and see what the  
21 trouble was and inform me and that was the last that I saw  
22 of him.

23 Q When did you learn that the trouble had now  
24 turned into a disturbance?

25 A Within minutes. Calls were received that various

1 parts of the institution had fallen or had been 2398

2 taken by inmates and after these calls were received I  
3 immediately knew that I had a major disturbance on my  
4 hands and I rushed upstairs and sent the women employees  
5 out and proceeded to call the deputy superintendent  
6 to call the State Police, call the various police agenc-  
7 ies and the Commissioner's office.

8 Q What was the first thing you did when you got  
9 upstairs ?

10 A The first thing I did I believe, was to call  
11 the deputy superintendent. Then I also called the power  
12 house and directed them to blow the whistle.

13 Q By the time you called the police, it was a  
14 matter of minutes?

15 A Yes.

16 Q By that time did you realize what the dimension  
17 of the problem was?

18 A Yes, I realized before I came upstairs. I had  
19 reports that four blocks had fallen so I know if this were  
20 the case that this was a serious major disturbance.

21 Q You had stood by the phone while Sgt. English  
22 was getting the various calls?

23 A I stood in that area, yes.

24 Q Was there any riot plan control in effect in  
25 this institution?

1 A Yes, there was.

2 Q What was the nature of it, was it really  
3 escape routes basically?

4 A Primarily it was areas of access and egress  
5 from the various parts of the institution with keys  
6 set up in order to do that so that parties could be dis-  
7 patched to various areas and necessary actions taken.

8 Q Was the reliance in essence in the institution  
9 on the fact that the gates would hold and that there-  
10 fore, any disturbance could be contained to one area?

11 A That is true.

12 Q And all of the plans were really based on and  
13 revolved around that faith on gates?

14 A Well, gates and people and procedures.

15 Q And you never dreamt, did you, Mr. Mancusi,  
16 that Times Square gate would go so quickly?

17 A No, sir, I did not.

18 Q And were there other gates that you had  
19 difficulty with too?

20 A C-block gates. If these gates had held, this  
21 would have been a different situation entirely.

22 Q After you had made the various calls and had  
23 sent the women out of the building, what did you do next?

24 A We began to attempt assessing the situation with  
25 a view toward restoring control.

1 Q Was there a policy in effect, as you 2400  
2 understand it, with respect to what should be done when  
3 hostages are taken?

4 A I don't know of a written stated policy although  
5 all of my training had led me to believe that when hos-  
6 tages were taken that every effort would be made to re-  
7 gain them as soon as possible.

8 Q Was there a policy against negotiation?

9 A No, there wasn't any policy actually.

10 Q Was it sort of an understanding?

11 A Yes, there was a--I would assume that you would  
12 not negotiate. We had often used the learning exercise  
13 in training courses and so on that if a hostage were  
14 taken, if the superintendent were taken and he came to the  
15 gate and a knife was at his back or a gun and they said  
16 that if the gate were not opened, that he would be killed,  
17 there certainly was a policy that the superintendent's  
18 orders under these conditions had no meaning whatsoever and  
19 that he would have to take his chances and the gate would  
20 not be opened.

21 Q I take it, therefore, that if it had been your  
22 decision to make, you would not have negotiated but would  
23 have proceeded to retake this institution?

24 A Yes, sir. That is correct.

25 Q And while it was your decision to make, did

1 you make efforts to retake the institution? 2401

2 A Yes. In fact we had retaken certain areas of  
3 the institution. Namely E, C and A-blocks.

4 Q Was any resistance met in those exercises in  
5 the retaking?

6 A It was a rather time consuming process because  
7 it was necessary to have sufficient help in order to be  
8 successful in doing this. However, there were no lives  
9 lost in taking these places back:

10 Q Did you clear this operation with the Commis-  
11 sioner, Commissioner Oseald, before you undertook it?

12 A No, sir, I did not.

13 Q You had informed Commissioner Oswald's office  
14 immediately of the situation, am I correct?

15 A I informed the Commissioner that--of what the  
16 situation was as I knew it and he said that he would be  
17 on his way and then I went on my way about my business.

18 Q And your business at that point was to get back  
19 control of your institution?

20 A Precisely.

21 Q Why did you stop at the three blocks that you  
22 talked about?

23 A The main thrust of the people who were in re-  
24 volt had moved into the D-block yard. They had control  
25 of all four yards but the main body was in the D-block

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1 yard. We had not moved further because we did 2402

2 not feel and when I say we, I am talking about Major  
3 Monahan of the State Police, that we had such manpower to  
4 insure success and we were waiting for further manpower.

5 It developed about the time that the Commissioner ar-  
6 rived that we then had the manpower.

7 Q Were you told that in the efforts to retake  
8 these three blocks that you succeeded in getting back--two  
9 blocks, three including E that you had gotten back, that  
10 the forces had met any physical resistance?

11 A No, sir.

12 Q When was it no longer your decision to make  
13 whether you would attempt to retake this institution?

14 A In the course of this period, I had had conver-  
15 sation with the inmates who appeared to be leaders of  
16 this rebellion--

17 Q Where did you have those conversations?

18 A At A-gate in A-block.

19 Q You were standing on one side of the gate--

20 A I had gone to the gate with a bullhorn and I  
21 was attempting to find out what was going on, who was  
22 going--just what the situation was and to try and get in-  
23 jured people out, either inmates or officers and so on.

24 Q How were you received?

25 A I had a conversation with about six individuals.

1           Everybody was trying to talk at once. I told           2403  
2           them to shut up and let one man tell the story and this  
3           was like waving a red flag before a bull and they would  
4           have nothing to do with me from that time on.

5           Q       In fact after you told them to shut up, they  
6           made a request that they wanted to speak to somebody  
7           else?

8           A       They informed me that they would only speak to  
9           the Commissioner or the Governor. And left.

10          Q       I take it that hostages ultimately, wounded  
11          hostages or injured hostages were taken out by some of  
12          the inmates, am I correct?

13          A       Some hostages, some wounded inmates were taken  
14          out. Some sick and crippled inmates were taken out.  
15          There were probably 40 to 60 inmates taken out that morn-  
16          ing as well as the employees who were taken out.

17          Q       Was there any policy about permitting out any  
18          inmate who wanted to get out if he requested it even  
19          if he--

20          A       Any inmate that wanted to get out would have  
21          been taken out.

22          Q       How do you know that? Were you there all the  
23          time?

24          A       No, I wasn't there all the time. But at the  
25          time that I was there, I had told them that I would take