

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

1 anyone out and the employees who were there

2404

2 heard this.

3 Q When Commissioner Oswald arrived on the scene,
4 which I believe was about two o'clock, am I correct?

5 A That is correct.

6 Q Who then took command of the institution?

7 A Commissioner Oswald, sir. He was accompanied
8 by the executive deputy commissioner Walter Dunbar
9 and Commissioner Oswald and Commissioner Dunbar were in
10 charge from then on.

11 Q How long did they remain in charge of your
12 institution?

13 A Until well after the retaking of the institu-
14 tion.

15 Q Were you consulted by Commissioner Oswald on
16 his decision to go into the yard and negotiate with the
17 inmates?

18 A Yes. In fact I advised him against it.

19 Q And he decided against your advice to go in
20 and speak to the inmates?

21 A Commissioner Dunbar also advised him against
22 this. Yes, he did.

23 Q You disagreed with that decision?

24 A Yes, sir, I did.

25 Q During this period up to Monday morning when

1 Commissioner Oswald was there, what were your duties? 2405

2 A I did many things, all nature of things in
3 giving orders and direction and so on, of the institu-
4 tion.

5 Q Were you involved at all in the negotiations?

6 A Yes, I was.

7 Q And what was your role, sir?

8 A A bystander.

9 Q Were you present at all when any of the de-
10 mands were negotiated?

11 A Yes. On Friday I was present at the negotiation
12 meetings.

13
14 (Continued on page 2406.)
15
16
17
18
19
20
21
22
23
24
25

1 1 Q And what happened?

2406

2 A Well, the various demands were read off and
3 Commissioner Oswald was saying yes, yes, yes, and I
4 was sitting there wondering how I could run the
5 institution after this with these demands having been
6 granted and I sat there for quite some time and there
7 was little talk of the hostages and I became displeased
8 and I told him my displeasure, that I felt that the
9 Committee was not talking enough about how they were
10 going to persuade the rioters to release the hostages.
11 Rather than talk about amnesty.

12 Q After that I take it you did not accompany
13 Commissioner Oswald in the negotiations?

14 A That's correct.

15 Q Now, you were aware that Officer Quinn had
16 been taken to the hospital, am I correct?

17 A Yes, sir.

18 Q And were you aware that he was gravely injured?

19 A I had thought that this was the case.

20 Q Do you know how the story got out that he
21 was thrown our of a window?

22 A No, I do not. A second story window, I heard
23 the story and certainly this has to be from someone
24 who has no knowledge of the institution because all of
25 the windows are barred.

2 1 0 Was there anybody in the 2407
2 Administration who was giving information to the press
3 at that time?

4 A Deputy Commissioner Dunbar. The press
5 public relations man, Mr. Houlihan, and Commissioner
6 Oswald were the people who were talking to the press.

7 Q Was any consideration given that you know
8 of to issuing a statement denying that rumor during
9 the days preceding the retaking of the institution?

10 A I'm not aware of that.

11 Q You say you weren't present with Commissioner
12 Oswald when he, on Saturday when the 28 demands were
13 finally agreed to by him.

14 Did he consult you at all on the demands?

15 A I was consulted on many things. I don't
16 know that I was consulted on those demands. I don't
17 recall.

18 Q I take it you didn't agree with all of them?

19 A No, sir, I didn't.

20 Q Any of them?

21 A Yes, some I did.

22 Q Do you remember which ones you agreed with?

23 A Well, having to do with, some of the things
24 that had to do with sentencing, parole and so on.

25 Q What about the things that had to do with

3 1 institutional practices? Censorship,

2408

2 more political assembly?

3 A Some of those things I didn't agree with.

4 Q Now, who was controlling admittance to the
5 insitution during this period?

6 A The people at the front gate of the institu-
7 tion.

8 Q Who was giving them instructions as to who
9 could come in?

10 A They were coming from the Commissioner through
11 the superintendent's office.

12 Q During this period were you aware of what the
13 mood was of the correction officers who worked at
14 Attica?

15 A Yes, I'm sure that I was.

16 Q What was that mood, sir?

17 A It was becoming more emotional as time went
18 on.

19 Q Were there many rumors about atrocities to
20 the hostages?

21 A There were numerous rumors that were circulated.

22 Q Was there any effort made to verify them
23 or to stop the rumors? Put out statements assuring
24 the staff that they weren't so?

25 A Yes, but I think that what happened was that

1
4 sometimes the rumors got to the news

2409

2 media before they were verified and in fact there is
3 no question of that. This is what happened. And then
4 it flashed on the air waves or in newspapers, radio
5 throughout the world and yet it wasn't true and this
6 destroyed the creditability of the operation.

7 Q Who was actually making assignments of correc-
8 tional personnel during these days?

9 A The deputy superintendent and his office.

10 Q To be more specific, what were the types of
11 things that you were actually doing during that period?

12 A I was issuing orders--

13 Q On what kinds of matters?

14 A Various custodial matters. For example,
15 concerning the operation. Concerning conduct during
16 the operation.

17 Q What is the operation?

18 A I mean the retaking operation.

19 Q Were you involved in the planning of the retak-
20 ing operation?

21 A Yes, in an advisory capacity.

22 Q What was the nature of the advice that you
23 sought?

24 A Well, it was decided that the State Police
25 would be in charge in the retaking operation because

1 5 it was felt that because of the

2410

2 nature of the climate, that there possibly would be
3 over reaction from the correctional personnel.

4 The State Police were in charge of the retak-
5 ing. The correction authorities were in charge of the
6 custodial work.

7 Q With whom did you discuss the plan for the
8 police action?

9 A With Major Monahan. With Inspector Miller.

10 Q And what steps were taken to make sure that
11 correction officers would not participate in the
12 police action?

13 A Orders were directed as to that all correction
14 employees would know that they were under the command
15 of the State Police.

16 Q Were you aware that correctional personnel
17 did in fact take part in the shooting at Attica?

18 A I was not aware of that.

19 Q On Sunday, which was the day before the
20 police action, had there been a plan to go in and attempt
21 to retake the institution that day?

22 A It was thought and plans had been made for
23 the assault to occur on, at three o'clock on Sunday.
24 However, the Commissioner decided that he would wait
25 another day.

1 Q Did the Commissioner say why

2411

2 he had decided to wait another day?

3 A I don't recall him making a statement.

4 However, he did say that he wanted to exercise every
5 opportunity for this situation to be terminated without
6 loss of life or injury.

7 Q Did any people recommend that he not wait
8 that extra day?

9 A Yes, I think that there were people who thought
10 that they should have gon on Sunday.

11 Q Who expressed that view to the Commissioner?

12 A I said I think. I don't know that I heard
13 anybody discuss the pros and cons of going, the time,
14 the matter of darkness, all of these factors were taken
15 into consideration.

16 Q Were you consulted on the decision?

17 A I participated in these discussions, yes.

18 Q Did you take a position?

19 A I had felt that we should have gone on Thurs-
20 day.

21 Q But now you were in a negotiation situation.
22 What did you feel on Sunday?

23 A I felt that the longer that we waited, why,
24 the more danger was going to be.

25 Q Danger to whom?

1 A Danger to the hostages.

2412

2 Q Did you recognize that there was going to
3 be a high risk of loss of life in any effort to retake
4 this institution?

5 A It was my belief that there was.

6 Q Had you been told by Dr. Hanson or by any other
7 person who had been in the yard that the hostages had
8 not been molested in the yard?

9 A I had talked to Dr. Hanson when he came
10 out on Saturday night and he had said that the hostages
11 were in pretty good shape.

12 Q Did you feel that the decision to go in was
13 a decision that was based on a desire to save the lives
14 of the hostages as opposed to simply put down a rebellion?

15 A I believe that the Commissioner certainly made
16 his decisions in the light of saving lives. There is
17 no question in my mind that this was the thing which was
18 regulating his thinking.

19 Q Wasn't that the thing that kept him from going
20 in?

21 A Yes, I think that this is it. He had hoped
22 that they would capitulate.

23 Q When there came a point when the inmates had
24 refused to capitulate, there was no longer any reason
25 for holding off, is that in essence it?

1 8 A On Sunday an inmate had been

2413

2 seen who was evidentially severally injured. We had
3 known from information that was received that there were
4 possible homicides which had taken place among inmates
5 in the yard.

6 The weather was getting worse. Rain, I think
7 was imminent. All of these things tended to affect the
8 climate of the institution and the group in the yard.

9 Q What I was getting at though was the normal
10 response to this situation would have been to go right
11 in, which is what you wanted to do.

12 A Yes.

13 Q And the Commissioner took the view that because
14 he didn't want to risk the lives of the hostages, he
15 would depart from what you would have expected to
16 be normal procedure and negotiate, am I correct?

17 A Right.

18 Q And what I was asking was really whether
19 at the point when it appeared that the negotiations be-
20 came fruitless, at that point did the basic policy of
21 simply not permitting inmates to take control of an
22 institution prevail?

23 A I think he felt it would be fruitless to wait
24 longer. That's why he went on Monday morning, I believe.

25 Q Were you present when the pros and cons were

1 9 being argued?

2414

2 A Yes, on occasions. Discussions were taking
3 place all over the second floor of the Administration
4 Building.

5 Q And you said it would be fruitless, it be-
6 came apparent that it was fruitless to negotiate further.
7 One of the demands was for your resignation, am I
8 correct, Mr. Mancusi?

9 A That's correct.

10 Q Did you have a conversation with Commissioner
11 Oswald on Sunday on that subject?

12 A I did. I went to Commissioner Oswald and
13 I told him that if my resignation would save those
14 hostages, he had it.

15 He refused to accept my resignation. I also
16 went to him after the hostages had been retaken and
17 said even though I had tendered my resignation on
18 Sunday under the reason for possible effecting the
19 saving of the hostages, if he want to get rid of me
20 from then on, he would have to file charges and fire
21 me.

22 He said that he had no intention of doing
23 this or never had.

24 Q On Monday morning, were you given an assign-
25 ment by Commissioner Oswald?

1 10 A Yes, sir, I was.

2415

2 Q What was his instructions to you?

3 A I was directed to get a gas mask and to say
4 at my desk and transmit orders through the institution
5 by telephone or otherwise and to keep a chart of all
6 of the occurrences that I had knowledge of during that
7 day.

8 Q Whose messages were you to communicate?

9 A His messages, the messages of the State Police.
10 Messages of--for the correctional authorities.

11 Q Were you given any instructions with respect
12 to leaving the room?

13 A I was told to stay in the office at the desk,
14 which I did.

15 Q And you remained at your desk from what hour,
16 what time did you arrive?

17 A I went to the desk at approximately, I believe
18 seven o'clock. I gave you a list of the thing there.
19 You can refresh--

20 Q It shows 7:08 as the first message on your
21 log. How long did you remain without leaving that room?

22 A I would think it would be until after five
23 o'clock.

24 Q Until the inmates had rehoused?

25 A Yes, they had. In fact, I only left the desk

1 11 on two occasions. Lulls occurred

2416

2 and I happened to get up and I noticed two hostages
3 who had been brought out and I noticed an inmate running
4 out of the front of the institution naked and immediately
5 transmitted an order that this would be stopped
6 immediately and that no one would be moved without
7 clothes on from the Administration Building to the
8 reception building.

9 Q Mr. Mancusi, you said that you saw the inmate
10 running outside of the institution. You mean you
11 saw him outside of the Administration Building, am
12 I correct?

13 A I just happened to see him running out of
14 the front of the Administration Building, yes, sir.

15 Q There is a map behind you. Can you point
16 where your office was located?

17 A Yes, my office was right here.

18 Q Do you have a view of the reception building
19 from your office?

20 A No, sir, I do not. The reception building
21 is over here. The only thing I can see from my office
22 is the front sidewalk, the steps coming out of the
23 building, the front gate and these parts, this part
24 of the wall.

25 Q You say that you saw an inmate being run out of

12 the Administration Building?

2417

2 A I saw an inmate moving out of the Administration
3 Building, yes.

4 Q And he was naked?

5 A Yes, sir.

6 Q And you then gave an instruction that nobody
7 was to be moved without clothing?

8 A Immediately.

9 Q Was that the first time you were aware that
10 inmates were being run without clothing?

11 A Yes, it was.

12 Q I want to read to you from your log. Your
13 log showed that at 8:32, which was more than an hour
14 before the police action started, you reported the
15 following:

16 "Orders given to a lieutenant and a sergeant that
17 firing by correction employees in the event of an
18 assault thrust will start only by order of State
19 Police."

20 Did you give such an instruction?

21 A Yes, sir, I did.

22 Q Did you know that correction officers were
23 going to be in the building who could be utilized by
24 the State Police for firing?

25 A I knew that there were correction officers

1 3 in all of the areas which we had
2 control over.

3 Q And you knew that they had guns?

4 A I was aware that some of them had guns.

5 Q Whose responsibility was it to maintain
6 control over them?

7 A This was a responsibility of the State Police
8 because of the assault.

9 Q Did you--were the State Police aware of the
10 fact that there were correction officers in that
11 building who had guns?

12 A I would assume so but I couldn't say for sure
13 that this is true.

14 Q How did you happen to give this order to
15 members of your staff that all correction employees
16 were not to fire unless they received a command or order
17 from the State Police?

18 A Well, I would say that this was possibly one
19 of the last minute details that you would take care
20 of in an operation like this, which I did.

21 Q Was this detail discussed with anybody on
22 the State Police force?

23 A Yes, it had been discussed originally. Perhaps
24 it had been discussed that morning briefly.

25 Q Was there any member of the State Police in

1
14 the room where you were issuing these 2419

2 orders--

3 A Inspector Miller was that at some time. I'm
4 not sure that--but what possibly Major Monahan was there
5 at some time.

6 Q Who was there from the Department of Corrections?

7 A Commissioner Oswald was there. Commissioner
8 Dunbar.

9 Q You then recorded a message at 9:25, "Chief
10 Inspector Miller notified a captain of the State Police
11 that at the first hostile move by the inmates against
12 the hostages, he should open fire."

13 Where did you get that message from?

14 Was that from the police radio?

15 A The police radio was located next, in the
16 next office and I could hear the police radio.

17 Q And so you recorded that order that was
18 given over the police radio?

19 A Yes.

20 Q Then you recorded at 9:30, "Inmates requested
21 a meeting in D-block. Deputy Commissioner Dunbar
22 refused. They were instructed to bring out and surrender
23 the hostages. They stated they will have all hostages
24 on the wall and kill them at the first move by State
25 Police. He again instructed them to return the hostages

15 and they said no."

2420

2 Where did you get that information from?

3 A Commissioner Dunbar.

4 Q That was a report by Commissioner Dunbar
5 on radio or in person?

6 A No, that would be in person.

7 Q After he returned? And you then noted that
8 in the log?

9 A Yes.

10 Q And then at 9:42 you report that "Order
11 was given to cut all power."

12 At 9:48 you have "The first gas drop" and
13 then you said at 9:52, "Major Monahan ordered a cease
14 fire." And then you began to keep track of the hostages.

15 A That's right. I could hear that on the
16 police radio. The track of the hostages was given
17 to me by people looking out the window down observing
18 them as they came out.

19 Q You were not observing them?

20 A No, sir. I was at my desk.

21 Q Incidentally, was any explanation given to
22 you as to why you should not leave your desk and not
23 leave that room that day?

24 A Not at that time, no, sir.

25 Q You then at 10:35 gave an instruction to a

1
16 sergeant that reads as follows:

2421

2 "Sergeant," and I will leave out the name,
3 "ordered to restrain correction officers and not
4 let them go inside until discipline can be assured."

5 At 10:40 you gave instructions to a lieutenant
6 and a supervisory personnel, reading as follows:

7 "That Lieutenant and supervisor advised that
8 only correction officers who can maintain self-control
9 and personal discipline can be admitted. If a super-
10 visor has any doubts of a man's ability to control
11 himself, he should not be permitted in" and at
12 11:25 your log reflects the following:

13 "Deputy Vincent ordered to screen correction
14 officers for discipline and self-control. Advised,"
15 this means I supposed that you were advised by Deputy
16 Vincent that report received that some hostages had
17 been murdered long before the assault.

18 First, why were you given all--what occasioned
19 all of these instructions about self-discipline on
20 the part of correctional personnel?

21 A Because I knew the climate of the situation.
22 The number of days that elapsed. People had very little
23 sleep. There had been injuries, by this time Officer
24 Quinn had died.

25 Q By this time the hostages had been brought

1
17 out also?

2422

2 A Hostages had been brought out. Some were
3 known to be dead.

4 Q Was it thought that they had died of--

5 A People's emotions were very high and people
6 wereworn out, emotionally upset and I wanted to see
7 that no reprisals were made.

8 Q Was it thought that hostages had died of cut
9 throats?

10 A Yes.

11 Q Or castrations.

12 You were in this room which looked out only
13 at the area in front of the Administration Building,
14 a very small part of the area but who had the actual
15 role of making sure that officers would exercise
16 self-control and that there would be no reprisals?

17 A Well, Deputy Superintendent Vincent was in
18 charge and he and Assistant Deputy Fail would have
19 the supervision of this.

20 Q Did you receive any reports that day of any
21 acts of mistreatment of inmates?

22 A No, sir, I did not.

23 Q Why was it necessary to repeat this order
24 so many times, three times? Three different people
25 you gave it to but why did you feel it was necessary,

48 four different people.

2 A I think I wanted to see that it was trans-
3 mitted throughout the area wherein correctional
4 employees were.

5 Q Did you observe any of the hostages? You
6 said you left your footing twice.

7 A I observed two hostages whom I recognized.
8 I just happened to go to the window in a lull and
9 see them. One was dead. The other was seriously
10 wounded and later died.

11 Q Did you speak to the press that day?

12 A No, sir.

13 Q Did you speak to the press at all during
14 this period?

15 A The last time that I spoke to the press was
16 at four o'clock in the morning on, I believe it was
17 Friday morning. Friday or Saturday morning. I'm
18 not sure. A reporter from Detroit or Chicago or some
19 place.

20 I decided that I was not going--in the
21 first place, I wasn't in charge and any information
22 should come from the regular sources. And I had also
23 noticed that there was information would come to the
24 front which later would prove to be rumors and I felt
25 that the less said at the time until actual evaluation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and proof could be made, that the information should not be given so that rumors would not be transmitted.

Q Were others in the department giving out information before it was verified?

A I would believe that there were numerous reporters in the front of the institution and they were questioning anyone whom they could and I'm quite sure that there were many many people who gave information which they thought at the time was true but in a number of instances I'm quite sure it was found it was not true.

Q Mr. Mancusi, did you receive any reports from any of your officers that they had actually excluded officers from the institution?

A Yes, I did.

Q From whom did you receive this and what did he say?

A I received it through Deputy Superintendent Vincent and I believe that there were eight officers that it was necessary to send home.

Q Did he tell you what these people had done that required that they be sent home?

A That they were emotionally upset in various stages. And unfit to carry out their duties.

20¹ Q After this was over, did

2425

2 Commissioner Oswald ask you to implement the 28 demands
3 or any of them which he agreed to?

4 A No, sir, he did not.

5 Q Was it your understanding that he had agreed
6 to them only if the hostages were released?

7 A Yes, it was.

8 Q What caused you to retire when you did?

9 A I did not like some of the procedures that
10 the Commissioner's office was putting into effect. I
11 do not believe in them.

12 I therefore, in good conscience I felt that
13 I could not stay in the department and I was fortunate
14 in having sufficient time in the department so I could
15 retire and I did.

16 Q Was one of the changes that you disagreed
17 with this inmate grievance counsel?

18 A Yes, sir, it was.

19 Q Given the new attitude of inmates that
20 you described, do you believe that it is possible
21 to run to the old ways of running these institutions?

22 A I don't know what you mean by the old ways
23 but I believe--I'm as firm a believer in rehabilitation
24 as Commissioner Oswald.

25 However, I think the the proper way to effect

1 rehabilitation is a little different

2426

2 way that they are going about it. And I feel that
3 every man should have a chance to prosecute his own
4 grievances to make complaints should be properly
5 investigated and acted upon.

6 I believe that programs should be had which
7 can effect rehabilitation. I do not believe--

8 MR. MCKAY: The reporter needs to
9 change his tape.

10 Q You were starting to say, you do not believe.

11 A I do not believe that inmates should be
12 permitted to petition. I do not believe that a group
13 organization should be permitted. I think that they
14 were individuals when they came there. I think
15 they should be treated as individuals and they will
16 be individuals when they are released.

17 Q What time was it that you saw that this
18 naked inmate being taken to the reception building?

19 A Immediately before I gave the order that
20 no one should be sent without clothes. I would say
21 it was sometime--, some hostages had come out.

22 Q So it would be very early?

23 A Yes.

24 Q Did you understand he was being taken to
25 HBZ?

22¹
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A Yes.

2427

Q Had a decision been made before the police action that some inmates would be taken to HBZ?

A Yes. Commissioner Dunbar had given direction that any cell in the institution could be used. HBZ is usually under ordinary circumstances special housing and people can be confined there only under certain rules and regulations.

However, because of the emergency and because of the lack of housing, this order was given and it was used for that.

Q But was there an order given that people who were identified as leaders should be taken to HBZ?

A Since that was the most secure area of housing, anyone who had been or was thought to be a leader was housed there.

Q Who made the decisions as to who should be taken to HBZ?

A At the time Deputy Vincent was there. Otherwise, the State Police indicated some who they indicated as leaders and also had given directions myself for some people whom I knew to be leaders, to see that they were there. I checked to see that they were in HBZ.

Q In your case it was the people who signed the

1
23
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Mancusi festo?

2428

A Those were five of them.

Q Were the others who were sent to HBZ that day, was that cleared with you before they were sent?

A No, sir. The deputy knew that any housing could be used.

Q And that he could send people to HBZ if he or somebody else thought that they were a leader or had some responsibility for acts in the yard?

A That's correct.

Q Was any assignment given that a supervisory personnel should be present at HBZ to observe what was going on to avoid reprisals there?

A I did not make such an assignment. I don't know whether the deputy did or not.

MR. LIMAN: I have no further questions.

MR. MCKAY: Mr. Mancusi, before members of the Commission ask questions, I want to say one thing briefly that on behalf of all of the members of the Commission and all of the members of the staff and I have been asked to say this, that during all the time that you were ~~at~~ that the institution, before your retirement, we very much appreciate the cooperation that you gave

24 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

in all respects and the complete
openness of the institution to members of our
staff and the Commission that made our inquiry
possible and facilitated it in every way.

We are most grateful.

Mr. Marshall has the first question:

EXAMINATION BY MR. MARSHALL:

Q Mr. Mancusi, you said, I think, that you
thought that rehabilitation programs at Attica were
effective.

Do you know what the recidivism rate is, that
is,, how many of the inmates come back either to
Attica or to somewhere else?

A Statistics are absent on these specific things.
However, I do know from reading the statistical informa-
tion in the annual report of the division of parole
that about 52 per cent make good.

Q Sixty-two per cent do not come back?

A That's my understanding from statistics
I have seen in the division of parole.

Q So that you would call 60 per cent effective
then?

A Yes, sir, I would. In fact I would call even
50 per cent effective. You must realize that you are
dealing with a highly selected individual who has been

1 a failure from all of society

2430

2 usually until such time as he got there and if anyone
3 is rehabilitated it's effective degree of effectiveness.

4 Q Mr. Mancusi, could you tell me further what
5 you mean by the word militant?

6 A Well, I mean someone who is interested in
7 destroying the system.

8 Q Is there any racial connection to that word
9 in your mind?

10 A No, sir, there is not.

11 MR. MARSHALL: I have nothing further.

12 MR. MCKAY: Mrs. Wadsworth?

13 EXAMINATION BY MRS. WADSWORTH:

14 Q Mr. Mancusi, would you refresh my memory,
15 what is the annual budget of the Attica Correctional
16 Facility?

17 A There was six million dollars.

18 Q In 1971?

19 A Yes.

20 Q And could you easily break down in a functional
21 budget fashion by the chart? Could you tell me how
22 much is in rehabilitation, how much in--

23 A I would say the six million dollars will be
24 approximately five million for personal service and
25 probably one million for maintenance and operation which

1
26
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

would include your--what you are

2431

terming, I believe rehabilitation.

However, everything that has to do with an institution, a correctional institution, I believe, should be rehabilitative.

Q What proportion or percentage would you say would be educational? Of the six million dollars, what would you say could easily be denied as educational in purpose?

A Probably \$60,000.00. That may be low. It may be \$100,000.00. When you say educational, I am thinking of the school.

Q Right. Exactly.

Does this more or less reflect your priorities as you see this pie chart built up, does this reflect the priorities as you would like to see them?

A As I said, I would like to see these programs-- would have liked to see these programs expanded and I am sure they will be expanded in the future.

Q But given six million in the way it was, this is the way you saw it and this is the priorities as you saw them?

A Yes.

1 Q When you submit your budget to Albany, 2432

2 what constituency do you have to back you?

3 A I think most budget hearings demanded help
4 to get a budget through. What kind of constituency
5 can you turn to.

6 A The institution must justify the budget
7 request to Albany office. Then the Albany office may
8 add to the justification or they may require additional
9 justification or they may deplete it from the budget.

10 Q It's just between you and them. There is
11 no citizen group. There is no one else in there
12 pushing for or acting as advocates for increased budget
13 for this--

14 A It's the institution to the central office
15 to the division of budget.

16 Q So it's within the system?

17 A Yes.

18 Q I would like to turn to the component of
19 education. Do you, because it seems to me education
20 has to become a growing part of this operation, do you
21 relate at all in your planning or budget planning with
22 the Department of Education of the State of New York,
23 or are these two separate?

24 A The education facilities are under the direction
25 of a director of education who is in the Albany office.

1 Q In the Department of Education?

2433

2 A In the Department, that's right. And cer-
3 tainly the Department of Education does have some
4 direction over correctional education and some of
5 the schools and some of the institutions are accredited
6 schools.

7 Q You mentioned that 60 per cent you felt were
8 self motivated in terms of education.

9 Do you find them at the lower or the upper
10 strata of the education ladder?

11 In other words, are we talking about bringing
12 people to literacy or are we talking about specialized
13 skills at a higher level?

14 A I would think this is overall. I wouldn't
15 say there is any particular area.

16 Q There is no waiting at one end of the other,
17 you think it would be--

18 A There is waiting among the illiterates and
19 there is a great need to train the illiterates and
20 incidentally, some of the illiterates have been illiterate
21 for so long that they do not want, in fact they resent
22 the attempt to erase their illiteracy.

23 Q Mr. Mancusi, have you used--are there federal
24 funds available in this area of education? I am thinking
25 particularly of library funds. I understand, I think

1 it is HEW has funds available for libraries which 2434
2 are direct from HEW direct to any correctional
3 facility?

4 A Yes, there was some federal funding in the
5 central office had made arrangements and it was allo-
6 cated to various--we had learning laboratories I
7 know that were made from federal funds and so on.

8 Q Is there any effort within the facility to
9 include the inmates in the choices of courses which
10 will be offered?

11 A Yes. At Attica we had an excellent study
12 program which gave numerous courses in a wide variety
13 of subjects and certainly if an inmate indicated his
14 desire for a course, if we were able to procure it,
15 we usually did.

16 Our cell study was derived from ICS courses.
17 I believe maybe LaSalle Correspondence courses and also
18 many courses which had been drawn up at the institution
19 itself.

20 Q The inmate did have some way of expressing
21 his desires for--

22 A If an inmate expressed a desire for a course,
23 his chances for getting it were good. I believe so,
24 yes.

25 Q You mentioned that for some of the work

1 release programs, that the inmates were driven as 2435

2 far as 25 miles to work.

3 Was that correct?

4 A They drove themselves. We provided a car.
5 We had them licensed and they drove themselves. Six
6 people went to this factory every day in the morning.
7 They ate breakfast at an outside restaurant which they
8 paid for themselves. They could have had a lunch
9 in the institution. They preferred to buy their lunch.
10 They came back from dinner at the institution and
11 returned after work.

12 Q Would you have considered this same approach
13 for an education program somewhere someone would travel
14 from the institution to a college or university?

15 A Yes. This type of program is presently in
16 action in some of the institutions and I think that
17 you will see that it will be expanded to various other
18 institutions wherein they will be, instead of work
19 release, education release, where they will go to a
20 college or a junior college or community college, take
21 their courses and return. I know that this has been
22 in practice in Auburn already.

23 Q Mr. Mancusi, in light of today and the
24 new world, do you think that there is going to be ever
25 any room in the administration of correctional facilities

1
5 for women?

2436

2 A Yes, I think you are going to see an expanding
3 area in which women will be able to use their talents.
4 We recently employed the first female nurses at Attica
5 and they worked out well.

6 MRS. WADSWORTH: Thank you.

7 MR. MC KAY: Mr. Carter.

8 EXAMINATION BY MR. CARTER:

9 Q Mr. Mancusi, is that work release program
10 that you described still in operation?

11 A It was, sir, when I left, and I would assume
12 that it still is. I am not knowledgeable but it was
13 when I left.

14 Q How many people were involved in it other than
15 the initial six?

16 A Well, the initial six had all left and six
17 others. So that there were a total of 12 men.

18 Q They had been released from prison?

19 A Yes, sir. These six had been paroled and five
20 of them were still employed in this same place of em-
21 ployment where they had received their training. Six of
22 them could have been, one after he was released on
23 parole couldn't get to work on time and when he got to
24 work he couldn't stay in the department where he belongs,
25 and they finally gave up on him. He evidently found

1
6 other work.

2437

2 Q Could you explain to me, I think in answer
3 to a question from Mr. Liman about the log, that
4 there was instructions that correction officers should
5 participate in the firing under the order of the State
6 Police.

7 Why was it contemplated that they should par-
8 ticipate in the firing at all. Why weren't orders
9 issued that they should not participate in the firing?

10 A This was done in a sort of negative way, I
11 would say. The correction officers were a support
12 for the State Police. And if you will read the log
13 you will see that no correction officers were supposed
14 to fir unless they were so ordered by the State Police.

15 So actually I think that the thing that you
16 asked was done in a negative way.

17 Q Except for the fact that they were given,
18 allowed to carry arms and in fact did participate in the
19 firing. So that their participation was made available--
20 I can't understand the order. It seems to me that the--
21 the order seems to me as I read it to contemplate
22 that they will participate at some point.

23 A Only if the State Police required it.

24 Q Following up on a question of Mr. Marshall's,
25 and accepting your definition of militants as someone

1 who tears a system down, how do you distinguish between
2 one who seeks to reform and one who is a militant?
3 Particularly--and particularly let me add this other
4 factor, particularly if the individual is black or
5 Puerto Rican?

6 A Well, I don't think that that enters into
7 it because a militant may be white, black, red or
8 yellow. The only way that I could answer your ques-
9 tion, I believe, is the manner in which they are attempting
10 to do this.

11 The procedures that they use in--it's a subjec-
12 tive assessment, I suppose, that has to be made by
13 an administrator.

14 Q Mr. Mancusi, you know, and you have indicated
15 that the people inside the prison had been effected by
16 the winds of change outside.

17 You mentioned the demonstrations and the
18 like. I gather that you know that attitudes of blacks
19 and Puerto Ricans have undergone vast changes over the
20 last several years. That in expressing those attitudes,
21 demanding equality, equal treatment and an end to
22 discrimination they are more aggressive than they have
23 ever been before.

24 An individual like that who comes to Attica
25 with that kind of background, is that individual regarded

8 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

as a militant?

2439

A It would depend on what the situation were.
Certainly I am as much interested in stamping out
discrimination as the next person is. I took adequate
steps to do this, I believe. I instituted a black
studies course and hoped that--

Q What did that mean, by the way. I heard
that before.

A The black studies course as I understand it,
is a course of study wherein the contribution of blacks
and black culture is taught to both blacks and whites
so that pride can be had in the knowledge that blacks
have made substantial contributions.

Q Who taught that course?

A It was taught by one of the members of the
school staff and he was aided by an inmate.

Q It was taught I gather by--am I correct, let
me ask, it was taught by a white employee, aided--

A No, sir. It was taught by a black teacher.

Q A black teacher--

A Aided by a black inmate.

Q I have interrupted your answer to my question.
You were about to answer my question in terms of the
militants.

A I felt that I had already answered. It would

1 be a matter of evaluation.

2440

2 Q How well do you think your staff, that is,
3 the correction officers, there were no black correc-
4 tion officers while you were there, were there?

5 A Yes, from time to time there were black
6 correction officers.

7 Q From time to time--

8 A Very few.

9 Q From time to time how many at any one time?

10 A At any one time I think probably there was
11 the maximum at one time.

12 Q When was the last one there?

13 A Well, there were two there when I left.

14 Q How many Puerto Ricans?

15 A There was one Puerto Rican.

16 Q How do you--do you believe that your staff,
17 which I gather is for the most part rural, from in and
18 around Batavia, white, generally, I gather with high
19 school education, do you believe that your staff is
20 readily equipped to understand the younger more--I
21 won't use the word militant, because I have accepted
22 your definition, but more aggressive black, Puerto Rican
23 city-bred person, who I gather is increasingly among
24 the population at Attica?

25 A I believe the staff as it is constituted

10 requires much training and especially because there 2441

2 have been many new people added and I also believe
3 that more members of minority races would be beneficial
4 to the staff.

5 Q One final question. If I understood you
6 properly, you pointed out an industrial program that
7 you had as being a part of the rehabilitative process.
8 Am I correct in that? I don't want to--

9 A There is an industrial program and I feel that
10 that is an aid to rehabilitation because marketable
11 skills are learned there.

12 Q And you included in that rehabilitation, as
13 I understand it, the metal shop. Am I correct?

14 A You are correct.

15 Q We have heard from testimony presented here
16 sometime ago, rather during the course of these
17 hearings that disciplinary inmates, inmates that needed
18 discipline, who were uncontrollable were assigned to
19 the metal shop as a form of punishment.

20 A I don't think that's true.

21 Q This is some testimony that we have heard
22 from--the hearings--during the course of the hearings,
23 but you do not believe that is the fact?

24 A People have been assigned against their wishes
25 at times but not as a disciplinary measure.

11 Q And persons in the metal shop in your 2442

2 judgment are able to gain marketable skills?

3 A That is my believe.

4 MR. CARTER: Thank you.

5 MR. MC KAY: Mr. Wilbanks.

6 EXAMINATION BY MR. WILBANKS:

7 Q Mr. Mancusi, Mr. Liman read your orders in
8 regard to the correctional officers not shooting.

9 We're now satisfied in this inveestigation,
10 as I am sure you have heard that perhaps 14 or more
11 correctional officers did shoot. Has any discipline
12 been taken against correctional officers who either
13 disobeyed orders or else the State Police have not
14 been honest with us in saying they didn't give such
15 orders.

16 Can you comment on that?

17 A I haven't been informed as to who or whom
18 these officers are. I have not made an investigation
19 of this thing because at the time after the assault the
20 Fischer Commission was appointed and the McKay Commission
21 and I was informed that all investigating would be
22 done by these commissions.

23 I have cooperated fully with each one of
24 these commissions as far as giving information, as far
25 as giving copies of correspondence, of orders, of rules

12 and regulations, any information that I had at my 2443
2 disposal which I felt would aid or was asked for from
3 this group and also from the Fischer Committee.

4 Q I wanted to make clear what the responsibili-
5 ties were.

6 A similar question. Are you satisfied at
7 this point--we had testimony this morning about repri-
8 sals that were taken by correctional officers upon
9 inmates on September 13.

10 Are you satisfied that there were reprisals
11 in fact at this point?

12 A I have heard that there were reprisals, but
13 I have no personal knowledge of those.

14 Q There wasn't any one point that you became
15 satisfied and just thought that you should discuss this
16 with correctional officers?

17 A Oh, on many occasions in staff meetings I had
18 cautioned supervisors and instructed them that
19 it was--we were being accused continuously of harrass-
20 ment and that it was imperative that they see that the
21 people under their supervision did nothing or said
22 nothing which could be construed as harrassment and we
23 have been in the courts previously on numerous occasions
24 and pointed out to them why it was necessary that they
25 be extremely careful, that their actions should be

1 such that they could not be accused of harrassment. 2444

2 Q I would assume again, if reprisals did take
3 place, you would expect this would be the responsibility
4 of Judge Fisher and not of the prison authorities, is
5 that a fair assumption?

6 A Certainly, if it came to the--I'm talking
7 about the investigation of the retaking and immediately
8 after the retaking.

9 Q Yes.

10 A Yes, after all, if you don't investigate,
11 you don't have the knowledge and if you don't have the
12 knowledge, you can't take action and if you are re-
13 stricted from taking any action, you can't do it any
14 way and this is the position at the present time as far
15 as I was concerned.

16 Q One final question. One of our staff members,
17 Mrs. Wadsworth, asked about educational opportunities
18 and in Rochester, perhaps you are aware of this, one
19 of your staff members, a Mr. Germane, testified, and
20 I have the testimony here, I won't read it, but he
21 talked about it's inadequacies and he felt in short
22 that at least from Albany there was an emphasis on
23 statistics and they would put 45 in his class when he
24 might have taught 6 adequately. But they wanted to
25 show that a lot of people were now in school. When asked

1 what the attitude of administration was toward

2445

2 improving--I feel like in public hearings if a charge
3 is made an implication you should be entitled to re-
4 spond to that.

5 What do you see is the attitude of the
6 administration towards improving the program, speaking
7 of the educational program in knowledge in general.
8 He stated as follows: "I can't comment upon the present
9 administration because we haven't had a chance to try
10 them out really. The past administration, the past
11 warden, well, you know, I think I saw him three times
12 in a year and a half. If that is any commentary
13 but we tell stories in the schools in a lot of ways,
14 you know, it's a bad place."

15 Can you respond to that?

16 A Yes, I can. Mr. Germane is a young teacher.
17 It is very possibly true that he saw me three times.
18 However, I saw his supervisor, the supervisor of edu-
19 cation probably every day. And I feel that if I am going
20 to be characterized, I think that the testimony should
21 come from people who are qualified.

22 MR. WILBANKS: Thank you.

23 MR. MC KAY: Mr. Henix.

24 EXAMINATION BY MR. HENIX:

25 Q Mr. Mancusi, I am not sure thought but how long

1 18 have you been part of the administration staff at 2446

2 Attica?

3 A Since September 23, 1965.

4 Q I know that the Commissioner Oswald and you
5 have differences of opinion as to how the institution
6 should be run but I am not clear as to your reasons
7 for leaving the department.

8 Did you ever tell this Commission why you
9 left the department?

10 A Yes, sir, I did. Because I didn't feel in
11 good conscience I could execute the procedures that the
12 Commissioner required.

13 Q You felt in spite of the amount of years
14 that you spent in the department, that that was adequate
15 reason to believe on principle?

16 A Yes, I do. In fact, I think that that was--
17 when you work for a man, you are required, I believe,
18 to do as he directs you to do or if you can't do that,
19 then you must stop working and this got to the point
20 where I felt that I should stop working because I could
21 not in good conscience carry out the directions. And
22 this I did.

23 Q Would you say that they have done any more,
24 like in Attica, for instance, changing the word prison
25 to correctional institution, the word warden to super-

1
16 intendent or the word prisoner to inmate has changed 2447
2 the basic nature of prisons in this state or Attica
3 in particular?

4 A Well, we live in a world of change and I
5 think that this is a step in the right direction. I
6 think that the connotation is much better. And I
7 think that improvements will come.

8 Sometimes quickly, sometimes slowly. But
9 however, I think it is a change in the right direction.

10 Q Mr. Mancusi, before it was mentioned con-
11 cerning the screens that was added to the visiting
12 room in order to prevent, I guess, what you said was
13 the spread of narcotics throughout the institution
14 because it had become somewhat of a plague in our
15 society.

16 Could you say your decision to make this
17 move, putting up screens was a detriment against the
18 loved ones of these prisoners even though no state court
19 had found them guilty of any crime?

20 A No, I wouldn't say that.

21 Q You don't feel that that act in any way was
22 reflected and took from the little bit of freedom of
23 being close to each other, you don't feel that that
24 made any difference putting that screen up there?

25 A Yes, I did feel that. But I felt that the

17 reason for it justified it.

2448

2 Q But there was no--had you caught somebody pass-
3 ing narcotics?

4 A Had I caught somebody?

5 Q Yes.

6 A No.

7 Q So it was a judgment you were--this was a
8 preventative move on your part?

9 A Yes, it was.

10 MR. MC KAY: Mr. Henix, can I interrupt
11 your question for just a moment.

12 Mr. Mancusi, as you know under our pro-
13 cedures when you have responded as generously as
14 you have to our questions, you are entitled to
15 make a statement of your own and we have just five
16 minutes to go and I want to find out before we
17 continue the questions whether you do wish to state
18 something to the Commission, to the public.

19 THE WITNESS: I would like to make
20 a brief statement.

21 MR. MC KAY: Surely. Please do so now
22 to make sure that you are not foreclosed from
23 that by the end of the hearings.

24 THE WITNESS: I wish to thank you for
25 having the opportunity to come before this Committee.

18
2 the correctional employees have been misrep-
3 sented. They are for the major part, dedicated,
4 hard working, good citizens who are doing a dangerous
5 job under conditions which are sometimes inade-
6 quate and I feel that this job which they are
7 doing for the taxpayers should be recognized.

8 I know that there has been a great deal
9 of misinformation bandied about that they are
10 not very smart and they are rural people and so
11 on.

12 They come from all walks of life. Many,
13 in fact, I would say that the great majority of
14 dedicated to rehabilitation and want to do the
15 best job that they know how. I hope that they will
16 receive training in order to enable them to do a
17 better job. I also want to take this opportunity
18 to acknowledge the aid which I received from the
19 New York State Police, which I feel is a fine
20 organization.

21 Thank you.

22 MR. MC KAY: Thank you. I hope you do
23 not mind if we persist with questioning for just
24 a minute longer.

25 THE WITNESS: No, sir. I will stay here

1
19 as long as you wish.

2450

2 MR. MC KAY: Mr. Henix.

3 BY MR. HENIX:

4 Q I want to continue along the same lines
5 in reference to the putting up of screens.

6 This, of course, is a projection but I'm
7 wondering if you were one of the inmates, would you be
8 satisfied with the conditions of the visiting room in
9 as much as this is a question of human treatment and human-
10 ity, a question of being treated like a human being.
11 Would you be satisfied with those conditions?

12 A If this were part of the rules and regulations
13 and I were an inmate, although I might not particularly
14 like it, I would feel that this is something which I
15 brought upon myself and that I would have to endure.

16 Q Even though it was difficult at the time
17 that you took office because you made this change,
18 this is a decision that you made.

19 A I did make that change, yes, sir.

20 Q This is why I asked that question. One of
21 the other things I would like to ask you, one of the
22 28 inmate demands was for your dismissal. Have you
23 any idea how the inmates of Attica see you as a person?

24 A This I think would depend upon individual
25 inmates. And I'm sure that the--there assessment would

1
20 run the gamut as far as it goes.

2451

2 Q Because it was a pretty strong demand.

3 A However, I also received many letters after
4 the riot from former inmates in which they were
5 encouraging me to continue. Thanking me for help which
6 I had given them.

7 Q On the question of racism, if you found to
8 your satisfaction that a man was in fact a racist,
9 would your intervention make it impossible to have
10 this man fired because standards of proof might be a
11 difficult question to reach?

12 A I would do whatever I could do to place that
13 man in a position where his racism would not be a hin-
14 drance or a danger to the operation of the institution.

15 Q Could you fire him?

16 A Could I fire him?

17 Q Yes, could you dismiss this person?

18 A It would depend upon what incidents occurred.
19 You just can't fire a man, you just can't say you're
20 fired. You must go before a court. He is able to have
21 counsel and you must have very good reason for separa-
22 ting him from the services in order to be able to effect
23 his separation.

24 Q Would the union interfere with whatever
25 procedures that you might decide to take, can they, do

1
21
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

they have that power?

2452

A The union, as I understand it, give representation and also legal representation to any of the correction officers whom they represent who request it.

Q Have you personally asked this union or any one for that matter and made any real strong attempts to hire more black or more minority, like Puerto Rican representatives as part of your staff?

A Most of the staff come from the civil services and the Commissioner is aware of the need for minority groups on the staff and they have made recruitment efforts.

Q I mean you, you, Mr. Mancusi, have you personally?

A I have told him that I would like more.

Q What did he say?

A Colored staff.

Q I have another question. Has there ever been occasion for men who were working in the differene shops like the metal shop around the summer of 1967 to work overtime like maybe because they were involved in a project that might have went past regular hours?

A Yes, there were occasions where we worked two shifts.

Q And I understand from the questioning of inmates,

12 a prior inmate that he or they as a group had asked 2453
2 you if you would see that they got coffee or some
3 food, you know, after having to work these extra hours
4 and your response to them was a flat no.

5 Is there any truth in that?

6 A Could be true.

7 Q Could you give me any reason why you would
8 do that if a man worked past his hours, which was
9 required?

10 A Because he would have had a later meal
11 anyway.

12 Q Another question, did I understand you to say
13 that you had an opportunity for men in D-Yard, an
14 offer for them to leave D-Yard, is this part of what
15 I understood in your statement, that you had offered
16 them an opportunity to leave D-Yard at any point?
17 During the time of the uprising?

18 A On the first day I went as far as I could go
19 that we had control of and with a bullhorn I informed
20 them that I wanted to talk to some leaders. I also
21 informed them that we would take anyone who wanted to
22 come out and we would give medical care to inmates or
23 officers who were injured and requested them to bring
24 them out so that they could get proper medical care.

25 Q Have you any idea in view of the situation and

1
23 the fact that the prison was in the control at 2454
2
3 that point of the inmates, how this would have been
4
5 accomplished, how would you have been able to work this
6
7 out, do you have any idea?

8
9 A We did take out 40 to 50 prisoners and a
10
11 number of hostages who were injured and were brought
12
13 to the gate.

14
15 Q But I understood the inmates that brought
16
17 them to the gate was afraid because they told them,
18
19 all right, put them down and they were standing there
20
21 with rifles and the inmates withdrew from the gate.

22
23 A Sir, somebody also informed me of that and if
24
25 he had asked to come out or said that he wanted to
26
27 come out, he would have been taken out. In fact, later
28
29 on during the time of the rebellion, a man came up to
30
31 carry food back and he fought his way out there and was
32
33 taken out. We would have been glad to take anybody out
34
35 that wanted to come out.

36
37 Q Mr. Mancusi, my final question is that you
38
39 were actually at that time the warden, eventually
40
41 superintendent at Attica since 1955?

42
43 A Yes, sir.

44
45 Q I asked you this question before. And in
46
47 spite of the testimony that went down here today, the
48
49 way I phrased the question that you had been relegated

1
24 to the position of answering telephones, the super-
2 **intendent** of an institution and for whatever reasons,
3 ended up actually, your function was to answer the
4 telephone. It would seem to me that this would be
5 a gross insult.

6 A Well, Mr. Henix, you will have to ask this
7 question of the Commissioner. I worked for the Com-
8 missioner. I carried out his orders.

9 Q How did you feel about that. I know that.
10 Did you feel insulted?

11 A I felt that my services were not properly
12 utilized throughout the process of disturbances.

13 MR. HENIX: Thank you.

14 MR. MC KAY: There are, I am sure, other
15 questions but we are being very strongly signaled
16 that it's all over. The hearing will recess until
17 9 o'clock tomorrow morning.

18 Thank you very much, Mr. Mancusi.

19 THE WITNESS: You're welcome, Dean.

20 (Time noted: 4:30 p.m.)
21
22
23
24
25

25¹
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF NEW YORK)
 : ss
COUNTY OF NEW YORK)

I, LEON ZUCK, a Shorthand Reporter
and Notary Public within and for the State of
New York, do hereby certify:

That I reported the continued proceed-
ings in the within entitled matter (pages 2180-2455)
and that the within transcript is a true record
of said proceedings.

I further certify that I am not related
to any of the parties to this action by blood or
marriage; and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 10 day of July 1972.

Leon Zuck
LEON ZUCK