

2:00 p.m.

MR. MC KAY: In opening the hearings for the second afternoon of hearings of the New York State Special Commission on Attica, we have as our first witness, Mr. Walter Swift.

Will you rise, Mr. Swift, to be sworn.

W A L T E R S W I F T, having been called as a witness, after been first duly sworn by Mr. McKay, was examined and testified as follows:

MR. MC KAY: Mr. Liman.

EXAMINATION BY MR. LIMAN:

Q Would you state your full name.

A Walter Clifford Swift, Jr.

Q And your age?

A 47.

Q When were you an inmate at Attica?

A From September 15, 1953, through January 25, 1972.

Q And, Mr. Swift, what happened to you to lead to your release? Were you granted clemency?

A I was granted clemency by Governor Rockefeller because of my duties in the yard during the troubles in September of 1971.

1
2 Q You had wanted to make a brief statement
3 before I began questioning you.

4 A I did.

5 And that is this: I will not answer any
6 questions at this time concerning the September 9th
7 through 13th or the after.

8 Q And we have told you that we have called you
9 for the purpose of questioning you about the conditions
10 prior to September 9 and that we do not intend in
11 these hearings in Rochester to go into the events of
12 September 9th to September 13th and you understand
13 that?

14 A Yes, sir.

15 Q Now, Mr. Swift, what were you convicted of?

16 A Murder in the first degree.

17 Q When was that?

18 A That was in May 1953.

19 Q And you stood trial, did you not?

20 A Yes, sir.

21 Q That was in New York State?

22 A Yes, sir, it was.

23 Q The jury's verdict was what?

24 A They found me guilty of murder in the first
25 degree with a recommendation for mercy.

Q At that time the death penalty was still

1
2 applicable in New York State?

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3 A Yes, it was.

4 Q Would you state what happened during your
5 sentencing, what request you made?

6 A Well--

7 Q Mr. Swift, could you speak up?

8 A When I was sentenced on June the 4th, 1953,
9 I asked the Honorable Louis J. Capesola to disregard
10 the recommendation of mercy and sentence me to the death
11 house.

12 Q And why was that?

13 A I was 28 years old and I didn't look forward
14 to 30 or 40 years behind bars.

15 Q What was your number at Attica?

16 A 12914.

17 Q So that approximately 16,000 inmates have
18 entered the institution and gone through it or are
19 still there since you arrived?

20 A I do not know the number right now.

21 Q They are up to number 28,000 something.

22 A Then that's true.

23 Q How many inmates were at Attica when you left
24 who were there when you arrived?

25 A Well, I'd say between 15 and 20 of them.

Q Is it fair to say that you knew many more

1
4 correction officers at Attica by the time you left
2
3 than you did inmates?

3 A Yes, sir, I did.

4 Q You saw some of these correction officers
5
6 start as young boys and rise through the ranks?

7 A A few of them but most of them was there
8
9 when I was there. When I first come there.

10 Q Including Sergeant Cochrane who testified
11
12 this morning?

13 A Sergeant Cockrane came there after I did.

14 Q Now, in these 19 years that you were at Attica,
15
16 what changes did you observe?

17 A Well, at first it was a little slow but then
18
19 they finally started pay increases and the general
20
21 feeling of the inmates seemed to be that everything was
22
23 getting along pretty well.

24 Q When you first came?

25 A Right.

Q And what's the difference today as of the
time you left it?

A Well, that's pretty hard for me to say because
for the last five and a half years I worked in the
hospital and the last two, about a year and a half, I
lived up in the hospital, so I will say that I believe
that some of the--well--

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5 Q Mr. Swift, you told me that when you came
2 to Attica, an inmate quote, "knew where he stood?"

3 A Yes, sir.

4 Q And that you preferred it the old way?

5 A I do.

6 Q What did you mean by an inmate knew where
7 he stood?

8 A Well, he knew the rules and regulations.
9 He knew that if he did wrong, that he got keeplock.
10 And when he talked to an officer, he called him either
11 officer, sir, or if he was fairly--if he knew the officer
12 fairly well, he called him by his last name or if he
13 was a sergeant, they would call him sergeant.

14 Q You never protested against rules yourself?

15 A No, sir.

16 Q You acclimated yourself to the conditions?

17 A I had to.

18 Q And did you become essentially a loner?

19 A Yes, sir. I did.

20 Q When did you first enter the New York prison
21 system on this sentence? Was it in Sing Sing?

22 A Yes, sir, it was.

23 Q Were you given advice by the older inmates
24 or cons, as they called them then?

25 A No, I kept everybody at arms length from me.

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Q You must have found, going into the prison system in those days from the free world that there were rules and regimentation that made life difficult?

A Yes, but at the same time you have to remember that in any of the branches of the service it is the same way.

You have regimentation, you have rules to follow.

Q And you resigned yourself to those rules even when you considered them unreasonable?

A Yes, sir, I did.

Q Would you say that your attitude was more or less typical of the older inmate at Attica today?

A Yes, I would.

Q Now, the younger inmates who have been coming in who you have observed in the hospital and elsewhere aren't prepared to accept rules they consider unreasonable, is that so?

A Well, that's so to this extent. I don't believe they even know what rules mean.

Q Are they ever told what the rules are?

A Well, I know I have received a rulebook back in 1953 and every inmate that I seen coming into that prison obtained one and it had the number right on top of it.

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Q Did you find, Mr. Swift, that all of those 348 rules in that book were enforced?

A No.

Q Tell me from your own experiences, Mr. Swift, what rules officers let you get away with?

A Well, I heard--I wasn't going to mention anything about a dropper or anything like that because at the time I first went in, if you got caught with one, it was a keeplock. Automatically. But, the officer--if he didn't know that you had more than one, well then, sometimes they would let you get away with it.

Otherwise, it was a keeplock.

Q Did it depend on the officer and the inmate whether you could get away with this?

A Not especially because I had been locked up several times for heating devices.

Q When you were younger and not as acclimated?

A Let's say when I was full of vim and vigor, that way.

Q As the years passed, they didn't bother you for things like that?

A The best reason in the world they didn't was because I had access to the stove in the feed-up rooms and then when I was in the hospital I had access to the stove up there.

1 Q How did you get this access to the
2 stove in the feed-up rooms?

3 A I had been a porter for years. Then I moved
4 over to 38 company, which is another porter company.
5 I would say about three years after I was over there,
6 I was put on as one of the feed-up men.

7 Q That meant at that point that you had access
8 to the stove but before that--

9 A Before that--

10 Q (Continuing)--you had the same problems of
11 other inmates in having to heat their food?

12 A Oh, yes.

13 Q And you heated your foot the way every other
14 inmate does?

15 A Yes. Or else I had the fellow out in the
16 feed-up room heat it for me.

17 Q ar. Swift, when you first came to Attica, was
18 it a segregated institution? Let me put it this way.

19 Did they have separate sport teams for
20 black and white inmates?

21 A Yes, they did.

22 Q Separate ice?

23 A No. I have never seen anything like was stated
24 yesterday. White ice and black ice.

25 Q But you did participate in sports where there

1 were separate sport teams?

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2 A Yes, sir.

3 Q Did that continue until the late sixties?

4 A No, sir. That discontinued in 19--well, let's
5 see, 1957 the blacks started their own football team.

6 Q And so there was then a black football team
7 and a white football team?

8 A Right.

9 Q Did they play against one another?

10 A At that time no, sir.

11 Q When did they first begin playing against
12 one another?

13 A I cannot say because I am not sure.

14 Q I'd like you to tell us a little of your own
15 experiences in prison, Mr. Swift.

16 When you first entered the system, did you
17 have--had you had an occupation before? Had you been
18 working?

19 A I had but when I first went into prison on
20 this bit here, on the murder charge, I just told them
21 I was a common ordinary laborer.

22 Q When you arrived at Attica, what job were you
23 assigned to?

24 A Porter.

25 Q And what did you make a day?

1 A At that time we made 5 cents a day.

2 Q Were you required to save some of that?

3 A Yes, we was.

4 Q How much?

5 A Half of it.

6 Q And that was so that you would have some money
7 when you went home if you got out?

8 A That's right.

9 Q So that you were required to save two and a
10 half cents a day?

11 A Right.

12 Q Apart from the savings, what did the state
13 give a man when he was released from prison in the way
14 of money? What do they give them today?

15 A \$40.

16 Q And a bus ticket or transportation out?

17 A Yes.

18 Q Today you don't have forced saving anymore?

19 A That's right, you don't.

20 Q How did you occupy yourself over all of these
21 years before you went into the hospital to work?

22 A Well, I either played football or else I was
23 playing cards.

24 Q You went into the hospital in approximately
25 1966?

11 A That's right.

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2 Q So you were a porter for 13 years?

3 A That's right. I was.

4 Q During all of those years what did you do to
5 help yourself?

6 A Well, I turned around and--I knew that I had
7 one chance in 10,000 of ever hitting the street when
8 I first went in there and that was through commutation
9 because at that time there was no law stating that you
10 had a minimum and a maximum on first degree murder.

11 I just played football and played bridge,
12 played pinochle.

13 Then I would turn around and go and I met a
14 fellow I played bridge with over in D-Block. This man
15 had an IQ of better than 163 that I know of. It could
16 have been more, I don't know, but I'm sure it was 163
17 at least.

18 And because playing bridge with him and because
19 of him, he turned around and he asked me why I didn't
20 finish my high school and get my high school equivalency.

21 I said what do I need it for? He said when
22 you get out. I said, if I get out, you mean. He said,
23 you're going to get out.

24 Well, at that time to take the high school equi-
25 valency, you had to take a pre-test and you didn't have

12 to be in school to get your high school equivalency. 353

2 You could have worked on any company and taken civil
3 study courses and went to school for half a day while
4 you was taking your--to get your high school equivalency,
5 which I did for three weeks.

6 Q When did you do that?

7 A 1965.

8 Q So that was 12 years after you entered Attica?

9 A That's right.

10 Q And do I understand that it was another inmate
11 who motivated you to take this first step toward
12 improving your education?

13 A Yes, sir.

14 Q What happened to you then after you obtained
15 this high school equivalency diploma?

16 A Well, I finally decided that I better take
17 some more courses, which I did. I took an ICS chemistry
18 course which had the equivalence of a year and a half
19 in college.

20 I passed it.

21 Q Who was encouraging you to do this?

22 A Steve Cohen.

23 Q The inmate?

24 A Yes.

25 Q You owe a lot to Steve Cohen?

13 A More than people know.

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2 Q Now, you kept taking courses?

3 A Yes, sir. But I want to say this right now.

4 One of the officers on the company that I had that had
5 my company and his name was Mr. Baker, who is dead now,
6 had encouraged me to take civil study courses at that
7 time too, before that even.

8 Q You were fortunate to have both Mr. Cohen and
9 an officer--

10 A Right.

11 Q (Continuing)--who encouraged you?

12 A Right.

13 Q Had anybody else ever made that real effort
14 to get you to help yourself?

15 A Well, probably some of them did but being a
16 stubborn guy that I am, I didn't pay any attention to
17 them.

18 Q And it wasn't enough of a push for you to over-
19 come your resistance?

20 A That's right.

21 Q How did you happen to get into hospital work?

22 A I did hospital work on the outside and--while
23 I was out there--well, Sergeant Morrissey, I talked to
24 him and I talked to another officer and they both en-
25 couraged me to go and get in the hospital.

2 that encouraged me on the high school equivalency
3 because he said if I got it, he would make sure that
4 I got a job in the hospital.

5 Q When you started in the prison system, you
6 had various keeplocks, hadn't you?

7 A Yes, sir.

8 Q For fighting and things like that?

9 A I only ever had two fights when I was in pri-
10 son.

11 Q What were the other types of keeplocks you
12 had as a young man?

13 A Mostly stoves and once they said I was gambling.
14 And heating devices.

15 Q By this time in your career in prison, the
16 keeplocks had stopped and you had really adjusted to
17 the system and the system had adjusted to you?

18 A No, sir.

19 Q When was your last keeplock?

20 A 1966.

21 Q And what was that for?

22 A For not notifying my hall captain where I was
23 going.

24 Q Tell me how you went about getting a job in
25 the hospital?

151 A Well, I had asked several times if there 356
2 was any openings over there and every time I asked
3 they told me no. So I decided to take the bull by
4 the horns and went over and asked Dr. Williams. And
5 when I went over and saw him, I explained to him that
6 when I first come in I didn't have anything to look
7 forward to. So I told him I was a laborer. And I
8 explained to him what experience I did have. Which any
9 time I want to, I can get the verification of it. I
10 told him that I would like to come over to the hospital
11 and work and because at that time I had at least 13
12 more years to do. I also told him this, that I had
13 been one person that he didn't have to break in.

14 He didn't have to have a spot for somebody
15 within the next year or so because I had 13 more years
16 to do.

17 And he asked me, he said what do you want to
18 do, start from the top and go for the bottom? I said
19 no, sir. I said I am willing to start at the bottom
20 but I want a change for that top rung. And he asked
21 me, he said repeat that. And I did. He said put in a
22 tab to see the PK. I did and I was moved over to the
23 hospital. It was May 23, 1966. I went over as a porter
24 on May 23. August the 6th, 1966 I was put on as a nurse,
25 an inmate nurse and I worked my way up to be head desk

116 nurse, day nurse. I was also head nurse on the 4 to 357
2 12 shift at that time.

3 Then I went back on day shift working in the
4 emergency room until the assault. Until September.

5 Q How did your relationships with Dr. Williams
6 been before this?

7 A Well, I can say this. He saved my life.

8 Q In an operation?

9 A Yes, sir.

10 Q But other than on the surgery, had you had
11 difficulties?

12 A Once or twice I had a little--never really an
13 argument but a little consultation with him. But as
14 a rule I got along good with him.

15 Q Mr. Swift, you found the work in the hospital
16 interesting?

17 A Very much so.

18 Q Was it the first work you had ever done in your
19 life that you really loved?

20 A The firs type of work.

21 Q And how did this opportunity that you got change
22 your life?

23 A Well, it made me see that what some of the
24 officers and Steven Cohen showed me, that I learned
25 about--I had to help myself to help--self-rehabilitation,

17 you might say.

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2 Q Did you say self-rehabilitation?

3 A Yes.

4 Q Up to then you had pretty much lain dormant?

5 A That's right.

6 Q How many other nurses are there at Attica?

7 A Right now, I don't know.

8 Q When you were there?

9 A When I first went there, there was, including
10 myself, there was eight on the day shift, two on the
11 three to 11 and one on the 11 to 7.

12 Q So there were very few people for whom this
13 type of work was available at the institution?

14 A That's right.

15 Q And apart from this type of work there was
16 nothing at this institution that was offered you which
17 really interested you as a way of occupying yourself?

18 A That's right. That is myself talking. I am
19 not talking for the general population of the institution.
20 I'm talking for myself.

21 Q But you were not interested in working in the
22 metal shop?

23 A No, sir.

24 Q Or in the tailor shop?

25 A No, sir.

18 Q Or in the laundry?

2 A No, sir.

3 Q Or continuing as a porter?

4 A No, sir.

5 Q What were your hours as a porter, how many
6 hours a day?

7 A Actually about--well, we come back from the
8 mess hall in the morning. About 20 minutes to 8. Then
9 we go on our companies where we had to work after the
10 yard was cleared, especially when we had had yard in
11 the summertime and to go about our work. And then I
12 would say about three hours a day I had work. The rest
13 of the time I either spent out in the yard or in my cell.

14 Q How many times a day would you sweep the same
15 floor?

16 A Twice. Morning and afternoon.

17 As a matter of fact you would map it twice.

18 Q There were some rules at Attica which even
19 though you acclimated yourself to them, you found to
20 be unreasonable, is that fair to say?

21 A Myself, yes.

22 Q Which ones? Other than the dropper rule.

23 A Well, I believe that the visiting privileges
24 could have been difficult because when I first come in
25 there, they didn't have any screen up but then later on

19 they put it up.

2 Q Do you remember what occasioned the erection
3 of the screen?

4 A Yes, but I hesitate to mention because--

5 Q Was a man carressing his wife?

6 A Right.

7 Q You think that that was so terrible that they
8 should have put up a screen for that? How did it effect
9 you?

10 A It didn't effect me.

11 Q You weren't married but I mean did it--

12 A How would it look to the older people, the
13 visitors? Did you ever think about that? How would it
14 have looked to the visitors. We all say you was visiting
15 me and there was a man right next to us caressing his
16 wife like this man was doing at this time.
17 You would looked shocked, wouldn't you, I believe.

18 Q And that was what first lead to the screen?

19 A I image it was. There could have been some
20 other circumstances but I wouldn't--I would hesitate
21 to say on that.

22 Q You didn't object to lining up by size?

23 A No.

24 Q Or to having somebody shout commands at you?

25 A Nobody ever shouted commands. They all said

20¹ forward march, line up. Lock in.

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2 Q When you were first there, you would line
3 up by height?

4 A Yes, sir.

5 Q And that didn't bother you?

6 A No, sir.

7 Q Do you understand what these younger men are
8 talking about when they object to that?

9 You were young as an inmate when you first
10 came in the system.

11 A Yes, I was. But at the same time, the same
12 young fellows you are talking about I believe down
13 deep that if they thought about what was going to happen
14 to them, they would never have committed the crimes
15 that they did to get in there.

16 Q But when you came in, this--you didn't rebel
17 against this?

18 A No, when you came into the system you did
19 have some bitterness toward the outside society?

20 A Yes, I did.

21 Q And when you left, did you still have that
22 bitterness?

23 A After I acclimated myself to the prison life
24 itself, it started to go away. As of right now I have
25 no animosity towards the judge or the jurors or anybody

21 Q Did something happen to you in prison that 362
2 gave you that change in attitude or was it just a matter
3 of growing older for so many years--

4 A I think it was just a matter of growing older
5 and wiser.

6 Q When you were in the institution, it was a
7 pretty rough place at the beginning, wasn't it, in those
8 days?

9 A Yes, it was.

10 Q Did you carry some kind of weapon to protect
11 yourself?

12 A The only weapon I carried was these (Pointing
13 to his hands.)

14 Q You were fortunate that you are the size that
15 you are.

16 A That's right. But I know how to use my
17 hands.

18 Q Over all of these years in prison, including
19 your last job, how much money did you save?

20 A Well, back in 1969, I believe it was, they
21 stopped--1968 or 1969, they stopped giving--making you
22 put half your money away and you could spend it all.

23 And actually the money that I come out of
24 prison with was the money I made from September through
25 January the 25th. September of 1971 through January

2^b 25, 1972, which is approximately 155 dollars. 363

2 Q That's what you left the walls with?

3 A I left the walls with \$195 and some cents.

4 Q \$40 that the State gave you?

5 A That's right.

6 Q And you were helped by somebody in getting
7 a job?

8 A I was, very much so.

9 Q What are you doing now?

10 A I am assistant teacher at one of the--at the
11 Jay Street Center for R.J.I.

12 Q What do you hope to do with yourself?

13 A In September, in the latter part of August
14 I hope to go to Genesey Community College and
15 be--get two years of training under my belt so I can
16 be certified as an R.N.

17 Q You were--are there any problems in that under
18 the law?

19 A There may be because--because of my type of
20 crime.

21 Q So even though you were granted clemency for
22 medical assistance you may have difficulty in becoming
23 a registered nurse?

24 A That's right. I may have.

25 Q Mr. Swift, when you came into the system, you

23 1 were sentenced under a law which did not make you 364
2 eligible for parole until when? When would you have
3 been eligible for a parole under the normal circumstances?

4 A There was no parole.

5 Q Then it became changed but when was your
6 first eligible parole date?

7 A Well, the law was changed in 1960 and made my
8 sentence from natural life from 40 years to life. And
9 then I would have been eligible, my earliest release
10 date would have been September 5, 1979.

11 Q This has been a new law since then and if you
12 had been sentenced under that law you would have been
13 eligible for parole long ago, isn't that right?

14 A Wrong.

15 Q You would have been--you would have had a
16 sentence which would have made you available for parole?

17 A I think there is a miscomprehension there
18 because I understand that on a 25 to life sentence, you
19 do 25 years.

20 Q But do you think that under your--you would
21 have been doing the 25 years without the eligibility
22 for parole earlier?

23 A I would probably have done at least 30 and
24 if I was lucky I would have maybe got out after 30--

25 Q Didn't you talk to correction officers and

241 others about the fact that had you been sentenced 365
2 under the new law you would have been eligible for
3 parole earlier?

4 A I didn't have too much to say about it, other
5 than inmates or correctional officers, no, sir.

6 Q There was a lot of talk among the older
7 inmates that had they been sentenced under the new law
8 they would have been eligible for parole earlier?

9 A But a lot of them misread the law, too.

10 Q And, Mr. Swift, you in this sense are
11 unusual in prison in that you don't feel that the old
12 law is unfair toward the inmates who were sentenced
13 under it?

14 A Well, you made a different statement there
15 because--

16 Q You are right.

17 A Because under the old law it would have been
18 natural life. But I have seen inmates that come in
19 there, that was originally indicted for first degree
20 murder, come in with four, five years. And in the last
21 year--

22 Q Has that effected you?

23 A It made me start to think, yes, sir.

24 Q What did it make you start to think of?

25 A That something ought to be done about the way

1 the penal system as far as the laws go, I shouldn't 366

2 say the penal system, but the judicial system should
3 either straighten up their books or make every place,
4 every county have a mandatory way of sentencing people.

5 Q Mr. Swift, would it be fair to say of you and
6 some of the other older inmates that you knew at Attica
7 that you could relate better to the correction officers
8 than to the younger more militant inmates coming into
9 the system?

10 A Yes, sir. It would be fair.

11 Q You were recommended for clemency by a number
12 of correction officers; is that correct?

13 A That's right.

14 Q And you were proud that you had their respect?

15 A That's right. I am.

16 Q And do you think that the fact that over the
17 years in prison, you earned the respect of other people
18 has helped you acclamate to society?

19 A Yes, sir. And I also believe that the people,
20 the inmates as well as the officers hold the same re-
21 spect for me.

22 Some of the inmates. Not all of them. Which
23 I can understand.

24 MR. LIMAN: I will ask the Commission if
25 it has questions.

1 MR. MC KAY: Mr. Swift, we're very 367
2 grateful for your being here today. I want to re-
3 mind you as you may or may not have heard this
4 morning that you have an opportunity to make a
5 statement of your own if you wish now or at the con-
6 clusion of the questions by the members of the
7 Commission.

8 I would like to start in this case with
9 Mr. Henix, do you have a question?

10 EXAMINATION BY MR. HENIX:

11 Q I don't have many questions, but in your
12 opening statement, Mr. Swift, you were saying that
13 there is a difference now in the attitudes of the younger
14 inmates that's coming in but at the same time you are
15 saying that when you came in, you had a lot of vim,
16 vigor and vitality.

17 I think those are the words you used?

18 A Yes.

19 Q And because of this you got into two fights
20 at least, accused of gambling, and moving around the
21 institution without proper authorization.

22 A That's right.

23 Q I would like to know how is this attitude
24 different or the attitude of the young men that's coming
25 in today different than that attitude?

1 27 A To answer that, I believe I can state it this 368
2 way. That every error and every group age has their
3 own thoughts, their own ways of acting and their own
4 ways of doing things.

5 Q Maybe I have to rephrase it. Because I felt
6 until the beginning you were saying that the inmates
7 today have no respect for authority and that you believed
8 in authority. At this point in time. And I think it
9 was also suggested, perhaps you matured and now--and be-
10 hind that you became calmer and you got the kind of
11 work that you wanted.

12 And I'm just wondering if you can see any of
13 yourself as you were 28 years old, 18 years ago in the
14 young men that's coming in prison today?

15 A Yes and no on that. No on the part that
16 when you knew you had to do a certain amount of time
17 and you knew you had to do it the best way you could,
18 you went about it that way.

19 And as far as the yes part, sure, like I
20 said, I had a lot of vim, vigor and vitality but I had
21 to take it out on something so I took it out on people
22 when I was playing football.

23 Q I have only one more question. You also said
24 that you found it easier to relate to the custodial
25 staff or the officers than you could with the new younger