

2 some inmate, who may have been so dehumanized through
3 that system did in fact, I assume, attempt to charge
4 us, but because there were three rings of inmates
5 that surrounded us and sat on the ground where no one
6 could reach us, they were able to stop and subdue
7 him.

8 I have seen mental cases in those institu-
9 tions of people who shouldn't be in there because
10 they have a mental problem and the inmates knew that
11 there were men in there; that if given the opportu-
12 nity, who may have been beaten by a guard and who felt
13 he had nothing to lose, that this was his opportunity --
14 he might have in fact killed a hostage.

15 And they provided protection. So, there
16 was no question that they felt there may have been
17 men in there that would have thought nothing of
18 taking the life of a hostage.

19 Q If you had the sense that all factions had
20 to agree, were you still hopeful that any agreement
21 could be worked out?

22 A Well, sir, I wouldn't have gone in there
23 on Sunday afternoon feeling that the Governor of
24 the State had set me up to get killed. I love my wife
25 and five kids, and I love them more than the Governor

1 and all of them put together, and if I didn't 1030
2 think anything could be accomplished -- I am no hero.
3 I broke down and cried that Sunday afternoon because
4 I was scared to death, but I felt that something
5 could be hopefully accomplished and that if we did
6 not go back that the lives of the hostages might have
7 been in fact taken, because the leadership would not
8 be able to confine those that might have felt that
9 these guards represented my oppressor and I in fact
10 must kill them.

11 And we went back in there to save the
12 lives of the hostages and all of them, you see, be-
13 cause the system was beginning to hopefully deterio-
14 rate the men in there where some of them in there
15 could not maintain control, and that was a serious
16 question of credibility of the men who were negotia-
17 ting were also somewhat in a very tense time, you
18 see, and they needed support as far as keeping things
19 quiet and down. And I don't know what kind of forces
20 were being actually deployed in there, but with
21 such a vast and large group, I'm sure that there were
22 men in there who had been beaten by the nigger stick
23 that frankly would have loved that opportunity to
24 have gotten back at his prisoner.

25 Q You have talked about private conversations

1 and also here about fear and of going in the yard 1031
2 that day.

3 You went in for what purpose, finally,
4 when you went in with the newspapermen?

5 A Well, the final purposes were two.

6 I felt that if I never went in there again,
7 and a massacre took place, that I was dead. Okay?

8 That inmates or former inmates or rela-
9 tives would have killed me because they felt that we
10 had lied to them and not been honest with them.

11 And I told the Commissioner -- in fact,
12 when we discussed it after, among ourselves, and I
13 repeat I was very scared and frightened, I said that
14 I have got to go back. I have got to go back because
15 I don't want that massacre to take place and for
16 those men to feel that we have not been honest with
17 them.

18 And I said, "You know my life," as I
19 told the Commissioner, didn't mean whether or not
20 I died in there with them or whether or not somebody
21 killed me there afterwards, and we felt it was
22 imperative. Bill Kunstler, as the attorney, agreed
23 to go back with us so that he could tell them as
24 their legal counsel the events that had in fact taken
25 place and that in fact the State had set us up to get

1 killed.

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2 So, we went back.

3 One, I think, to reestablish credibility,
4 okay? To reestablish credibility which was very
5 important to me.

6 Number two, to ascertain whether or not
7 anything had, in fact, been done as far as the dis-
8 cussion they went through that evening. To also let
9 them know why we had not come back earlier and so
10 forth, when we had told them what had really happened
11 and I would like to also say that the question of
12 being sent to a non-imperialistic country was voted
13 down. That was taken by a democratic vote.

14 On Sunday, they even sort of diminished
15 on the issue of Mancusi, because the feeling was he
16 is nothing but a racist, and if you remove him they
17 will just send another racist.

18 So, that was no longer a sticking issue.
19 Amnesty was somewhat of a still sticky issue.

20 I think Bill Kunstler discussed with
21 them, and he told the Commissioner after we came
22 out of there on Sunday "Let's not talk about total
23 amnesty. Let's talk about negotiating the question
24 of amnesty twenty or thirty years, life, especially
25 for those men who might be identified in the life or

2 And Kunstler discussed this with them and
3 I'm sure he discussed it with some of the inmate
4 leaders there in the yard and so the question of total
5 amnesty might have been at that particular time with
6 more time a negotiable item, and again, Officer Quinn
7 had died, men could be fingered for his death and
8 in the State of New York certain inmates could have
9 gotten the chair.

10 So, you are dealing and they were dealing
11 with the lives of some of their fellow inmates and
12 they had professed unity; they had professed together-
13 ness and that we are one body concerned about every
14 single individual in here, so it was very, very
15 difficult for them to abandon any man or group of
16 men in that yard who might in fact be fingered for
17 the death of Officer Quinn and be getting the chair;
18 so we knew that this was a thing that, you know,
19 would be, but I think Bill Kunstler expressed and I
20 did not -- was not fully aware of the kinds of
21 conversations because again while things were going
22 on, individuals, at time, were discussing with the
23 leadership various positions.

24 Q These were private discussions that they
25 were having around the table as opposed to public

1 speeches that were being made?

1034

2 A Right.

3 Q Was there a difference, Assemblyman, be-
4 tween the rhetoric in the yard which those of us who
5 heard the tapes of the proceedings then have heard
6 of the demands for full amnesty uttered both by
7 hostages, inmates and observers on Sunday, and the
8 private discussions that were taking place around
9 the table?

10 A Yes. I believe that, you know, again, if
11 you negotiate and your not-negotiating, you know,
12 talking with the industry itself, but you are nego-
13 tiating through a third party, it becomes very diffi-
14 cult for you to give up on your chief negotiating
15 item, and their item was "the lives of the hostages
16 and also total amnesty."

17 And frankly I think if Oswald and the
18 Governor had let us go back on Saturday, had not
19 done subsequently the events that subsequently hap-
20 pened, I don't know what would have been their res-
21 ponse, but when our credibility was shattered, you
22 see, and other things happened, then, you know, men
23 were somewhat left at a position to say "Who in
24 the hell can we believe if they are willing to kill
25 Assemblyman Eve? He is part of the system."

1
2 unfortunate that the people were making decisions in
3 a little room, and I say that the Governor was making
4 them at the advice of Bob Douglas, who had no know-
5 ledge of really what was going on, because they had
6 never been in that block.

7 I don't believe Oswald would have made the
8 decision, frankly, that was made by Bob Douglas.

9 Q When you went in the yard on Sunday, you
10 felt that the Governor's visit to Attica held the
11 key to a peaceful resolution?

12 A Right.

13 Q Was one of the purposes of going in on
14 Sunday and interviewing the hostages to focus public
15 opinion on this issue --

16 A Right.

17 Q -- and mobilize political pressure on the
18 Governor to come?

19 A That's right.

20 Q And that was part of the reasons for the
21 rhetoric that --

22 A No. First of all, the inmates made that
23 determination with the hostages. I don't know how
24 they came up with the determination that the hostages
25 wanted to talk to the Governor. I assumed the hos-

1 tages said -- and they knew and they evidently 1036
2 felt -- again, these were determinations they were
3 making without our being present, that the hostages
4 wanted to talk to the Governor, send a message to
5 the Governor, and we then provided the vehicle by
6 asking the State to allow the, you know, black and
7 Puerto Rican reporters in and that brought my asking
8 Tom Wicker and John Dunn to go to interview the hos-
9 tages so that they could ascertain whether or not
10 these men were saying it sincerely or whether or not
11 they were under any great threats, or whether or not
12 somebody was standing over them with a knife or
13 something, and this is why I did not want to do the
14 interview.

15 This is why I did not want to bring the
16 message out to the Press. This is why I asked for
17 white men to do it instead of a black or Puerto Rican.

18 Q Assemblyman, why didn't any of the ob-
19 servers on Sunday repeat what they had said on Satur-
20 day, namely, that the twenty-eight proposals were
21 the best that the inmates could get?

22 A Well, first of all, when we went back into
23 the yard we had to deal with a very serious problem
24 initially. When we were led into the yard, the in-
25 mate who led us in from the gate into A-yard -- and

1 we had to go through A-yard to get into D-yard 1037
2 stopped us in A-yard without any other inmates around
3 and he said "Why did you lie to us; why did you betray
4 us?"

5 He said, "the men in there, many of them
6 want to kill every damn one of you."

7 He said, "You stood at the gate and you
8 told me one thing."

9 In fact, he walked in -- when we walked
10 in the yard, the initial thing he said "Why can't
11 any of you look at me?"

12 He said, "Why can't any of you look at
13 me?"

14 He said, "All of you are looking down.
15 All of you are looking away."

16 He said, "Why can't you look at me?"

17 He said, "The men, the men in there want
18 to kill you because you have betrayed us."

19 So, initially -- initially the tone had
20 been set that our credibility was in fact like nil.
21 We responded by saying the State troopers are look-
22 ing, the guards are looking through the window. We
23 have had to sign waivers. The Governor has set us
24 up to be killed, and if any of you hit us, attack
25 us and the State is able to see it, then that is their

1 signal and their excuse to come in and not only 1038
2 kill you, but kill all of us. We are as expendable
3 as you are."

4 And one of the observers-- who had the
5 greater credibility than all of us -- spoke up and
6 said, "Yes, the others are telling you the truth.
7 The State has played the same old game, divide and
8 conquer and then kill them all."

9 And then he said, "These Brothers have
10 been put into a trick." And he said, "They are not
11 responsible for what the State has done."

12 Now, when we went into the yard, this
13 was discussed again, and the message that we had
14 sent to the Governor was read and then subsequently
15 that Oswald had given the one inmate to give to them.
16 And it was discussed about, you know, the same old
17 game of the system pitting people against people;
18 using them against each other and hopefully to justify
19 their actions, to kill them all.

20 And these kinds of things were discussed.

21 And the inmates said, "We are not going
22 to fall into that game. These brothers have been
23 honest with us, but this is how the system works."

24 So, at that particular time, anything --
25 literally almost anything, I think, that the State had

1 said before was still questionable, very 1039
2 questionable at that time, and only the Governor --
3 and I repeat, if Oswald was willing to set me up
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5 (Continued on page 1040.)
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1 Only the Governer's presence at Attica could 1040
2 have resolved that particular thing at that time or
3 given more time to re-establish--to re-establish that
4 in fact they were going to live up to whatever they
5 had agreed upon, you see.

6 Now, we spent a lot of time re-establishing our
7 credibility, because, frankly, in that yard you
8 didn't know if the guy who walked up to you, even
9 to guard you and protect you, might in fact not turn
10 on you. You have no assurance what would have
11 happened to you.

12 So, when we went back in there the whole question
13 of re-establishing our credibility was in fact of
14 great concern.

15 Q You were placed on the defensive right from
16 the beginning by the Oswald note?

17 A That's right. Very, very much so.

18 And, you know, the meeting started off with many
19 of us making statements. I made one--I think all of
20 us made a statement, basically in the yard. The
21 inmates, first of all, made statements and we then
22 spoke and then we got into the question of interviewing
23 the hostages and then we were supposed to stay in there
24 only one hour.

25 I asked for one more hour. They gave us another

2
1 hour because Dunbar had told us to be out 1041
2 at five.

3 Q Who gave you the other hour, the state?

4 A Yes. We sent Clarence Jones, I think it was,
5 back to the A-gate to tell the state that we wanted
6 to stay in for more time so they would give us another
7 hour, and we went through a very emotional thing in
8 that yard, all of us, because I think a lot of us,
9 for the first time, realized that "The political
10 system really didn't care about us" and that we were
11 in fact equally as expendable as the inmates, because
12 I thought, you know, being a member of the state
13 legislature, that I was a fairly important black man
14 and I found out that I was, you know, nothing but a
15 black man that could be, you know, eliminated very
16 easily as the inmates.

17 That's a very shocking thing to realize that, you
18 know, the Governor of my state would in fact
19 jeopardize my life and thought nothing of it.

20 In fact, I credited that if Tom Wicker had not
21 gone back in there with us, that I don't know what
22 might have happened, but I think that Tom Wicker was
23 probably more valuable than any of us in there because
24 I think Bill Knustler and Art Eve said absolutely
25 nothing and I say that Tom Wicker really saved my life.

1 Q In all of these circumstances and 1042

2 having had experiences in dealing with inmates and
3 people who have a great deal of disbelief about the
4 system, do you think it would have done any good to
5 repeat the statements of Saturday night that this
6 was the best that the inmates could get?

7 A Well, I think we had said that, and you
8 must realize that some of the most sophisticated
9 gentlemen I have ever met in my life, that given
10 the opportunity for an equal degree of education and
11 a full access to the system, could be president of
12 the United States of America and that had been around
13 and been some of the sharpest guys in the streets
14 that had been street educated very well and that
15 could determine and knew what was going on.

16 There was no question in my mind that the men who
17 were acting as negotiators were the same kinds of men
18 that we have in our community, that when any riot
19 takes place in the black community there is always
20 those who come out, who try to stop the riot and try
21 to attempt to negotiate between the black community
22 and the political system that has created the
23 condition and that's how I looked upon the changes,
24 the--upon the guys that handle the negotiation, that
25 a riot had happened, the inmates had stopped it

1 themselves and that a very difficult and very 1043
2 negative thing had happened, but out of it they should
3 try to negotiate something very positive and that's
4 what I saw the negotiators, as men that had a great
5 degree of credibility and confidence of the inmates
6 who were attempting to negotiate with the system and
7 who understood it and in fact understood it better
8 than I did, and so, when you get to the question of
9 when you present the facts to them, and the facts
10 alone, they were capable of making and reaching the
11 kinds of decisions that they had to make effecting
12 their own lives and all they wanted for us to bring
13 back to them was in fact the fact that the truth and
14 I think our efforts on Saturday in fact with the
15 limitation of time we had of one hour--we were trying
16 to put in that one hour.

17 In fact, again, our own credibility had to be,
18 you know, brought back.

19 The interview of the hostages we felt had to take
20 place, but because we asked for more time we had more
21 time. In fact, most of us were willing to stay in
22 there almost inevitably if we felt that that could
23 in fact help, but the inmates ordered us out of the
24 yard just before 6:00 and I will never forget the
25 one inmate who said "It's getting dark outside. The

5
1 state troopers and the correctional people 1044
2 might not be able to see inside. They may think or may
3 not know that we have not hurt any of the observers
4 and if they think that we have hurt them they may
5 come in here and not only kill the hostages and the
6 inmates, but also kill the observers; that they have
7 shown that they do not in fact value their life."

8
9 And he said further that if a massacre takes
10 place, we want these observers to be able to tell
11 the truth about what happened at Attica; that in the
12 final analysis, if the lives of the hostages and the
13 inmates are lost by virtue of this massacre, then
14 the world must know that animals were not in D-yard,
15 but outside running the government and the system.

16 Q These were the words of an inmate to you?

17 A Of an inmate.

18 Q Were these the parting words?

19 A These were the parting words. Then he said,
20 "Let's get these men out of here. Let's not jeopardize
21 their lives, you know, let them get out of here and get
22 this message to the Governor and hopefully the Governor
23 will basically be convinced, you know, that, you know,
24 he needs to come."

25 And I think all of us expressed--at least I
expressed that I was asking the Governor to come.

1 I felt that the hostages asking him to
2 come would be very important because many of the
3 hostages talked about wives, their children; that
4 they felt many of the changes that the inmates
5 asked for should take place and they said, you know,
6 "Governor, if you care about our lives, you know,
7 just come to Attica" and, you know, I frankly felt
8 that this might help because these were white
9 people, they were employees of the State of New
10 York and they were saying, you know, just come to
11 Attica and talk to the observers committee and
12 everyone said just talk to us.

13 I don't think anyone made reference about coming
14 in and talking to the inmates because they had our
15 copy of our message because we took in a written
16 copy when we went in the second time, so that it
17 could be read emphatically and very clearly.

18 Q Now, Sunday evening after you left the
19 yard did you make some last-ditch efforts to persuade
20 the Governor to come?

21 A Yes. We talked with Oswald extensively
22 in the room. Some of us wanted to have a press
23 conference. Some of us wanted to have a press
24 conference attacking the state for its actions,
25 attacking the Governor for his intranse position

1 at that time and hopefully to mobilize
2 pressure.

3 In fact, I remember about 3:00 that day I called
4 my office and asked my secretary to call Rev.
5 Abernathy, to call Roy Wilkins, to call any
6 national figure, you know, Minister Fairkind, Elijah
7 Mohammed.

8 I said "Call every black leader in the world,
9 you know, and anybody who you can think of and get
10 them to call the Governor to ask him to come or get
11 them to come to Attica.

12 After that the phone was cut off. We couldn't
13 make any calls after 3:15. I think that was the
14 last call that went out to organize national black
15 leaders.

16 Q That was 3:15?

17 A 3:15, 3:30, something.

18 But it was before we went back in the yard the
19 last time. I made and I asked my girls to please
20 call and ask--get every living soul you can reach
21 to call the Governor and to in fact see if they can
22 come.

23 I think Abernathy had stated that some people
24 did call him and ask him to come to Attica, but he
25 had another appointment.

1 Q What did Oswald say that night

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2 when you pled with him?

3 A Oswald--Knustler discussed to him this
4 negotiating on the amnesty thing, you know, 20,
5 30 years, life, and so forth, let's sort of talk
6 about that, so we could say that men wouldn't get
7 the chair and you know, other sorts of things
8 and that was all in the legal aspect.

9 Oswald said to us, and he said, you know, that
10 he had done what he felt he could. In fact, on this
11 press point we were somewhat divided, but after
12 listening to Oswald and feeling that he was really
13 trying to be objective, even though Knustler, who
14 I think is one of the greatest guys when it comes
15 to wanting to talk to the press, he loves to talk
16 to the press.

17 Bill Knustler said, you know, "Ease off of
18 Oswald. Give him a break. Let's not have a press
19 conference. We think the man is really trying to do
20 a job. Let's wait and meet with him tomorrow. Maybe
21 the Governor--maybe he can make a decision tonight
22 to force the Governor here."

23 We just thought that anything might happen, but
24 Oswald said to us, he was under great pressure. He
25 had gotten telegrams and calls from all over the

9
1 nation and world, I imagine, and then he 1048
2 talked about two people who's relatives were in there,
3 some women from the particular area, who said, now,
4 they wanted him to go and do whatever he had to,
5 but he also singled out a man who was on TV, that he
6 spoke of, who had a son in there and he said, "You
7 know, this man's son is in there and he is saying I
8 should go in there and even bum them all and that's
9 when I really began to realize that people outside
10 had been dehumanized to a great degree.

11 And he said he was under great pressure and he
12 didn't know what to do. He was someone alone in
13 that room where decisions were being made and thought
14 of a sympathy developed for Oswald, that he was our
15 hope of getting the Governor and Bob Douglas to
16 change.

17 Q He was Hamlet, like, in the room?

18 A Yes, something.

19 And he said, you know "I am going to go in tonight.
20 Meet me back here tomorrow morning and we will talk
21 about it further. Let me think over it, pray over
22 it, whatever else it might be."

23 Q Did you ever get another change to speak
24 to Commissioner Oswald?

25 A No. When we got back in there the next

1 morning and when a number of us had gotten 1049
2 into the observer room, I asked if I could speak to
3 the commissioner, because then we couldn't go out
4 of the room unless we got permission from a
5 correctional officer who was our guard over the door
6 and the deputy commissioner came in and said that
7 Oswald could not speak to us and was not allowed to
8 speak to us anymore, would not be, and that's when
9 we reached sort of a conclusion that they had made
10 a determination to go in.

11 Q That was on Monday morning?

12 A That was Monday morning.

13 Q Now, you mentioned that one of the purposes
14 you thought could be served by the Governor's visit
15 was for him to observe the mood of the troopers and
16 correction officers outside the--

17 A Not only to observe them, but I think to
18 get our interpretation of the mood and the situation
19 as we saw it.

20 Q Would you describe for us the mood as you
21 saw it and how it reflected itself and manifested
22 itself towards you?

23 A Well, as I mentioned prior to that, one
24 guard had called me a boy on Saturday after Officer
25 Quinn--I was no longer assemblyman with this particular

1 individual, I became boy, and that's one 1050
2 of our first symbols among blacks, the racist system
3 when they lose respect for our manhood.

4 When I had the experience with the woman in the
5 restaurant who said that Senator Bobby Garcia and I,
6 and just us, because Tom Wicker was there also, that
7 they hoped they killed all of us; of the guard who
8 subsequently brought our food in and who said that
9 if he knew he was bringing this particular thing in
10 to us that he would not have brought it; of Herman
11 Badillo who went to get some food because sometimes
12 they forgot to feed us for like hours and almost a
13 day and went to get some food from the Kiwanis
14 Club that had been set up inside the walls.

15 Q The Lyons Club?

16 A The Lyons Club. I'm sorry, I don't want
17 to blame the wrong club. The Lyons Club. And the
18 man told him that the food was not for his consumption,
19 that he was looked upon as an enemy.

20 I imagine this was the concept, but subsequently
21 a young man who was working there whose father was
22 in there as a hostage, Herman Badillo told us did
23 come over to him and gave him a sandwich and said
24 that all of us don't feel that your efforts are not
25 valid and that you are trying to resolve the problem,

1 but the guys who were there at the main 1051
2 table--so, we had had little indications--

3 Q That man was the son of a hostage who was
4 killed during the police action, Mr. Harding?

5 A Yes. He was subsequently killed, I am told,
6 but the young man felt that we were there trying to,
7 you know, resolve the problem, where some of the
8 others felt that maybe we were not.

9 So, we felt that these were valid symptoms of
10 the feeling inside and that Officer Quinn had died
11 and, you know, it's like in human circumstances that
12 I know if I have a colleague who is very close to me
13 and he dies, I am going to be very angry and that
14 anger is mostly intensified within the first two or
15 three days.

16 As time goes on, sometimes that anger--when we
17 have a time to discuss it and realize certain things,
18 sort of diminishes; so, Sunday and Monday was very
19 critical in that if they sent people in, the whole
20 kind of psychologically and emotional situation was
21 in fact, very, very dangerous.

22 Q You have been speaking of correction officers--

23 A Right.

24 Q What about the mood of the state police? How
25 do you feel about that?

1 A Well, the state troopers are very 1052

2 well trained and they in fact, I commented them on
3 Saturday evening or Sunday--yes, Sunday, by saying
4 "Gee, I wish the correction officers are as trained
5 as the state troopers because they were evidently
6 able to hide their feeling and their bitterness
7 because they still called you Assemblyman Eve. They
8 showed you a great degree of respect and I attributed
9 that to their "training" and I commented on that,
10 but subsequent as they went into the yard I guess
11 many other things came into their mind, but I didn't
12 know who was going in first.

13 We felt that the state troopers were, but we
14 didn't want any of them--we didn't want anybody to
15 go in because our message was if you send the troopers
16 in, a massacre will take place and I agree--I wanted
17 you to remember that that message was not made by
18 just the black and Puerto Ricans there or the black
19 and Puerto Rican legislators; that was agreed upon
20 by Sen. McGowan, Assemblyman Emery and Assemblyman
21 Walkly. Okay? The guys who represented that area
22 who agreed to the text of that message that if you
23 send the troopers in, Governor, a massacre is going
24 to take place.

25 Q Now, you were particularly concerned about

1 the result of a confrontation where you 1053
2 had an all white force and you had a population in
3 the yard which consisted not only of people who
4 were convicts, but also largely black.

5 Was there any discussion at all in your presence
6 with any of the officials about trying to get an
7 integrated unit, national guardsmen or some other
8 forces to participate in a retaking, if it had to
9 take place?

10 A No. I don't think--you know, again, we
11 did not know that they were going in until Friday--
12 Monday morning. At that particular time we were
13 cut off with any communication with anyone who was
14 making decisions.

15 So, on Sunday we were dealing with a whole
16 series of questions where we didn't even want to say
17 that "Hey, are you ready to go in" because if I felt
18 that they--you know, that Oswald was not going to
19 live up to his word to talk to us again the next
20 morning, then we would have had the press conference
21 that night; we would have done a lot of other things,
22 but, again, you know, many of the observers felt that
23 he is trying to be reasonable, he doesn't want to go
24 in, he is going to give us a chance to talk to him
25 again tomorrow and maybe, you know, a guard can reach

1 him that night or somebody else and things

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2 would change.

3 But, when we were cut off the next morning, we
4 didn't even have a chance to talk about, you know,
5 who is going to be sent in, what kind of troopers
6 are going to be sent in and so forth, because the
7 first request when they said to us we cannot talk
8 to them and after they told us that they said they
9 wanted all of us to leave, and then we had discussed
10 among ourselves that we were safer inside that
11 building on the second floor than outside with the
12 townspeople and that secondly, we wanted to stay in
13 there so that whatever we could see--because we
14 couldn't see in the yard, we were blocked off from
15 seeing there.

16 But, we felt that we should stay in fact in that
17 room for security measures and also for what we could,
18 you know, subsequently see, be whether wounded or
19 anybody who came out.

20 Q Now, assemblyman, you were kept in this room
21 during the period of the police action and the taking
22 the institution and then there came a time when Mr.
23 Dunbar took you on a tour of the institution after it
24 had been secured, took you on a partial tour.

25 A Right.

1 Q Would you tell us, first, who 1055
2 went on this tour with Mr. Dunbar on Monday morning?
3

4 A On Monday morning after the massacre and
5 the state had informed us that they had secured the
6 facility and that all the wounded had been taken out,
7 the dead, and that the inmates had been transferred
8 to C-block, that it was safe for us all to leave;
9 that a group of state legislatures were coming and
10 they wanted to give them a briefing on what had
11 happened.

12 I said that I wanted to stay and be a part of
13 that briefing process.

14 Senator Bobbie Garcia said he wanted to stay
15 and so did Herman Badillo and we asked the other
16 observers "Is it all right for us to stay; do you
17 think we should?"

18 And they all agreed that we should stay for the
19 briefing because they made it clear they were not
20 going to brief any observers who were not in fact
21 legislatures.

22 I think it's important to understand some of
23 the feelings that went into that yard. Prior to
24 that when we were sitting in the room we had
25 individuals observing what was happening out in
front and Julian Tubber--Tibber--Topper--

1 Q Tepper.

1056

2 A Tepper, yes, from the Washington law firm
3 was our observer at one window and he kept telling
4 us about, you know, the wounded hostages that were
5 coming out and then they brought out a black inmate
6 that we assume were wounded and we all went to the
7 window to see if he was one of the leaders and
8 also to see what kind of condition he was in.

9 My first reaction was, you know, see if it
10 was one of the leaders who was handling the
11 negotiations and we went to the window and we saw--
12 we stayed there. The man moved and we assumed that
13 he was alive and then we saw two other men, after he
14 was put down on a stretcher, we saw two other men
15 come over, pick up that stretcher with this man's
16 body on it, walk several steps and slam his body to
17 the ground as hard as they could and we said, "Gee,
18 what really happened inside that yard?"

19 But when--when these 50 legislatures came, many
20 of them had come from all over the state. I think
21 Dominick DeCarlo, chairman of our codes committee,
22 had flown from New York City and there were others
23 there who came from the Buffalo general community,
24 Senator Lafonse and McGowan and several others,
25 but the group numbered some 10 to 15, I'm not

1 exactly sure.

1057

2 Dunbar came in with Mr. Curtis (phonetic)--
3 I think his name is--from Council 82 in the room
4 and he said he is going to give us a briefing.

5 Q Council 82--that was the correction
6 officer's union?

7 A Yes. Of the correctional union and he began
8 to tell us that they had no choice; that they knew
9 that two hostage's throats had been slashed or
10 killed since Saturday.

11 Q Who said that?

12 A Walter Dunbar, and I said to him, "You mean
13 to tell me that you knew that two hostages had been
14 killed since Saturday? You allowed us to go in and
15 out of that yard and the Governor endangered our lives
16 because we were dealing with a more difficult
17 situation than we were dealing with before, with
18 just Officer Quinn's death, which could have been
19 done in the overtaking of the institution, but not
20 in fact premeditated, but when he told me that you
21 knew that two guards had been killed since Saturday
22 and you did not exchange this information with us,
23 you were in fact playing with our lives because any
24 man who killed those two guards on Saturday knew
25 that they could get the chair and so another life

1 really didn't mean very little and he 1058
2 said, "Yes, they knew, but they did not tell us;" that
3 was the first upsetting statement.

4 They also told us that he told us that he was a
5 former naval officer and that he had had experience
6 in so-called, you know, attacks and take-overs and
7 that other men in there had had certain military
8 experience and he told us how the helicopters flew
9 over and how they--one of the inmates told them to
10 give up, they would not hurt them and so forth and
11 how they dropped the tear gas and used tear gas that
12 had never been used in the state, it was very strong,
13 very sensitive, and that, you know, it was so strong
14 that we got cases of it.

15 I would also like to say that prior to our going
16 in, we asked for gas masks that Monday morning. I
17 asked as chairman of the group for them to give us
18 gas masks and when they were about to go in and the
19 helicopters were flying over, we knocked on the door
20 and asked for our gas masks and the deputy commissioner,
21 not Dunbar, I believe, but one other, came to us and
22 said that the truck with our gas masks got lost.

23 So, we then asked for a jug of water in order
24 to put water in our mouths, put it on our handkerchiefs
25 and to hopefully protect ourselves in any way we could

1 so we sat in that room without any gas

1059

2 masks.

3 Now, he went through to tell us about the attack
4 and the D-Day and the strategy and so forth.

5 He said it was a miracle that they got so many
6 hostages out who were not killed, that their estimate
7 was it was 8 or so that was killed and X number of
8 inmates who were killed.

9 Q Did they tell you how the hostages were
10 killed?

11 A At that particular time he didn't go into
12 any real great detail. He just gave us the statistics
13 and how they were killed--I mean, so many. Then he
14 called on Mr. Curtis (phonetic), who is president
15 of Council 82, whom I never met, but who had attacked
16 me in the press because I had attacked the treatment
17 of inmates at Auburn Prison by some of the correction
18 officers, but Mr. Kirk has said to a group of
19 legislators that they were basically responsible
20 for what took place at Attica. I think it's very
21 appropriate to repeat what he said.

22 He said, "You gentlemen, when you practice
23 discrimination, when you deny people equal education,
24 equal job opportunities, decent housing, when you
25 created a society that created crimes," he said,

1 "You create a society by your actions, 1060
2 legislative or administrative," and he said, "You
3 created a society that created criminals and then
4 you send them in to us in a physical structure
5 which is not physically capable to do the kind of
6 rehabilitation that should be done" and he said,
7 "Then when we ask you for money to retrain our
8 correctional officers to deal with the kind of
9 people that you created in your society and made
10 a criminal of," he said, "Not only did you not give
11 us the money to retrain our correctional officers
12 to deal with this kind of situation, but you cut
13 our appropriation so that we had less men in this
14 institution than before to deal with an institution
15 by virtue of its physical structure is hardly to
16 maintain good security."

17 And he said, "You, many of you in this room are
18 responsible and you helped contribute to it."

19 I was shocked, because I didn't expect him to
20 come in that way, and then he said further--he said,
21 "Many of the men who have come out of there who were
22 hostages have told me that they owe their lives and
23 that they were protected by men who believed in the
24 Black Muslim religion, the men who were followers of
25 the Black Muslim religion. They offered them the

1 greatest degree of protection for the whole 1061
2 duration that they were in there and I asked him to
3 repeat--he repeated it and I said to my colleagues,
4 "For three years I have attempted to let you get
5 people to practice their own religion." I said, "I
6 am not a Black Muslim. I do not know fully what their
7 teachings are and they have been a positive aspect in
8 my community, and if they were able to strengthen men
9 to make their lives--then I think it's a good thing,"
10 and I said, "I hope you will allow people to practice
11 their own religion."
12

13 After that they cut it off and we went out into
14 the yard. He took us on a tour in an area called
15 Times Square, which is the second floor level overlooking
16 the yards. That's the area there, the grey area in the
17 center of the yard.

18 Q Now, would you say he took you--this was Mr.
19 Dunbar?

20 A Dunbar and one other lieutenant or captain
21 that walked over.

22 So, he came out to the front of A-block there and
23 went upstairs and then walked out on Times Square.
24 Deputy Commissioner Dunbar walked us about half-way
25 up to the Times Square area, down a little further,
say generally a little further--yes, about right in

1 there and he said "This is where the inmates 1062
2 brought some of the hostages" so we could see.

3 He said they bind them up in a position of
4 execution and he said, "We had given them the
5 ultimative of one hour and one hour was almost up"
6 and he said, "We saw one of them take a sharp
7 instrument and he demonstrated--stamped a hostage in
8 the stomach and we assumed he was dead, and he said,
9 "We saw another one take a sharp instrument, and
10 slit the hostage's throat and we assumed he was dead."

11 He said, "But we still didn't go in."

12 He said, "Not until we saw what an inmate did to
13 young Officer Smith." He said when we saw this inmate
14 take young Officer Smith--he called out the young
15 man's name, because his father was the one who was
16 on TV the night before saying "Go in there and bum
17 them all."

18 And so the idea that I got in my mind was maybe
19 the inmates saw it and they evidently saw it, and I
20 said, "Maybe they singled him out, maybe this is the
21 reason."

22 Q What did he say he saw happen?

23 A He said he saw this inmate take a sharp
24 instrument, cut out this man's reproductive organs
25 and take the young man's organs and stuff them in

2 Q Who do you say said that to you?

3 A Deputy Commissioner Walter Dunbar.

4 Q He said he saw an inmate emasculate an
5 officer?

6 A That's right. Either he or the state--
7 in fact, Herman Badillio said, "Did you see this?"

8 And he said, "Not only did we see it, the
9 helicopters were taking pictures. We have pictures
10 of it and we were using a new telescopic lens."

11 So, we couldn't challenge that.

12 There were four men on the ground who were fully
13 clothed and about 20 out in the yard, A-yard there,
14 lined up one behind the other, buck naked. That's
15 when I saw two of the leaders, and I told Senator
16 Bobbie Garcia, "There is Jerry the Jew and Champion."
17 Champion had a bandaid around his head and I said,
18 "I'm glad to see them alive." And the four men on
19 the ground, I asked were they alive or dead and he
20 said, "No" and they were in their yard--

21 Q He said, "No, they were alive?"

22 A Huh?

23 Q Well, you say he said, no. No what?

24 A He said, "No, they were not dead, they
25 were alive," but they had them separated because they

25
1 were men that they could identify who 1064
2 had committed murder or who were, you know, men who
3 were the key men for the death of the hostages. And
4 that's one, to my best ability.

5 I said to Senator Bobbie Garcia, "There is L. D.
6 Barclay."

7 Q Was the man who you said to Senator Garcia
8 was L. D. Barclay, was he lying on his face?

9 A Yes. The description was he was lying on
10 his face, head to the ground. I could see the side
11 of his face and the back of his head--

12 Q But you couldn't see the front of his
13 face?

14 A No. I could not see it.

15 In fact, Bobbie Garcia asked me am I sure it was
16 him. I said, "Yes, I'm sure it was L. D. Barclay."

17 I said, "I saw him at the negotiating table."

18 I said, "He was always in the process of the
19 discussion get up and say 'I want to be sent to a
20 non-imperialistic country. I want to go amnesty.
21 I want federal take-over of this institution."

22 Every day he would say this and in fact sometimes
23 he would sort of agitate me because he would always
24 bring these issues up, but I said, "There is L. D.
25 Barclay" and I said, "You know, I was glad to see

20
1 that the three of the guys who were on 1065

2 the table are alive" and we questioned among ourselves
3 where were Bleiden and Clark and, you know, the other
4 guys, whether or not they were dead, Jerry the Jew,
5 Sam Melvin and others.
6

7 Q As we have told you before, Assemblyman, we have
8 satisfied from our inquiry that the man who you saw
9 and whose face you couldn't see was not L. D. Barclay.

10 A Yes, and you said he was someone who
11 evidently looked like him. Someone of the
12 legislatures asked, "Is one of those four men
13 the man who did that awful thing to young Officer
14 Smith?"

15 And Dunbar said, "No. We have him over here,"
16 and they walked us back towards the administration
17 building past the half-way mark down--yes, about
18 right there, I think--and he said, "We have him
19 over here."

20 Then over in the yard, off from the wall sort
21 of, was Frank Smith, the last man that we had talked
22 to on Sunday night when we left the prison yard. He
23 was chief security and he had escorted us to the
24 gate. We had all embraced with each other. We
25 had hugged each other and some of us even cried
together. And there they had Frank Smith on a

1 brown table in the yard, buck naked on his 1066
2 back with a football resting on his neck.

3 Q I'm letting you mention his name because
4 this has been widely reported in the press.

5 A Right. Frank was identified as the man
6 who had taken the sharp instrument, cut out
7 Officer Smith's reproductive organs and stuffed
8 them in his mouth.

9 Q Would you say he was identified--this is--
10 who said that to you?

11 A Oh, no, Frank was on his back facing up.

12 Q But who said that this was the man--

13 A Dunbar. Dunbar. I'm sorry.

14 Q Just so that there can be no misunderstanding
15 on this, I should state that we are satisfied from the
16 investigation that young Officer Smith was not
17 emasculated and that two hostages were not killed on
18 Saturday night, but the testimony that we have been
19 adducing is pertinent in terms of the rumors that
20 were being spread on Monday, that were being heard
21 by state troopers and correctional officers who were
22 then returning men to their cells and we believe
23 that this is a pertinent fact in the investigation,
24 even though the stories that were reported to
25 Assemblyman Eve, Assemblyman Eve has testified to

1
2 are not factual in that no officer was 1067
3 emasculated and two hostages were not killed on
4 Saturday.

5 A Frank I could identify with no question.
6 He was a very heavy set black man. You know, we
7 got to know him pretty good. He has a raspy voice
8 or sort of thing and I said to myself, you know,
9 why did Frank do it? What happened to make him
10 do it?

11 Q In other words, you believed, you
12 credited the story that was told to you?

13 A I believed it and then after that he led
14 us over into D-block and he showed us where the
15 inmates ran, he said, as the last area of resistance,
16 they they had to come in and use the kind of force
17 to get them out; that they were bent on killing and
18 that they had no other alternative.

19 Q Did he point to a trench-in D-yard?

20 A Yes.

21 Well, we went up in D-block first. When he
22 took us around, he took us up into D-block--yes,
23 up into D-block and we went down some of the halls
24 there and he showed us the blood--no, we went in
25 this side here only. He showed us the blood and
so forth and he told us this was the last area of

1 resistance, this was where groups that were 1068
2 bent on killing ran and they had to go in and do
3 whatever they had to do.
4

5 They then led us back out into the area past
6 Times Square over the yard looking over D-yard and
7 he told the legislators, "This is where the inmates
8 had their little city or area."

9 About at that particular spot he singled me
10 out and he said, "Assemblyman Eve, did you know
11 that the inmates had a hostage burried in the
12 ground that they had killed since Saturday?"

13 And I said, "No."

14 He said, "You mean to tell me you walked in and
15 out of this yard and you did not know that a hostage
16 had been burried in the ground since Saturday?"

17 Q Who said that?

18 A Deputy Commissioner Dunbar.

19 And I said, "No, I did not know it."

20 I came in and the inmates surrounded us and led
21 us over to the negotiating area up against the A-block
22 over there and this area here, you know. I really
23 didn't even go over to--in fact, we weren't even
24 looking on the ground. We walked in and we went to
25 the negotiations.

He said, "We dug a hostage out who had been dead

1 for two days. His throat had been slashed.

1069

2 His body was stiff."

3 Then he pointed to the hole in the ground and
4 said, "That's where we dug a hostage out."

5 Now, all of this was told to us as a point of
6 fact. It was not told to us, we allege, we suppose,
7 we think--we were told this as a very emphatic fact,
8 even to agree that they had the people who committed
9 the acts, they had the body that they had dug up.
10 They had identified it as in fact being a hostage.

11 Now, as you know, all of that has subsequently
12 and is, you stated, a falsehood.

13 The thing I regret the most is that I repeated
14 that lie to my wife and kids, to my family. I
15 repeated that lie at a meeting of a black group
16 that night who had asked me to report on what had
17 happened and I told them what I had been told.

18 I have subsequently been back to the prison
19 and I saw Frank Smith. I asked him to forgive me
20 for believing that in fact he had done it.

21 Q You were shocked when you heard those
22 stories?

23 A I was shocked.

24 Q Did you imagine what the mood was of some
25 of the officers and others when they heard that?

1 viscous lie, use such human bodies to 1071
2 display and to confirm that lie and then subsequently
3 say that they did it in human error.

4 Q To complete the story with respect to the
5 person who you were told was removed from the trench
6 and had been burried there several days and was a
7 hostage, that was removed from a trench in the
8 yard, the body of an inmate who had died in the
9 assault as a result of the gunshot wounds. I
10 didn't want the impression to be left that in fact
11 is what you were told was so.

12 A Right.

13 MR. LIMAN: I have no further
14 questions.

15 MR. MCKAY: We will start the questions
16 from the Commission this morning with Mr. Wilbanks.

17 MR. WILBANKS: Mr. Eve, many witnesses
18 have told us that inmates knew it was all over
19 on Sunday, that negotiations had reached an
20 impasse over total amnesty, yet one observer told
21 us that as the six, I believe, observers were
22 leaving the yard on Sunday night, one inmate
23 leader told to him, I suppose in a private
24 discussion, that the inmates were not rejecting
25 the 28 demands out of hand and that there was some

1
2 give on amnesty and that he should go 1072
3 and try to negotiate a compromise.

4 I recognized that you discussed it, that
5 this was brought up at the discussions of observers
6 later, but my question is: Did you know that there
7 were inmate leaders who had made this request and
8 indicated that there was not an impasse over total
9 amnesty?

10 A Yes. You know, around that time
11 these guys allowed people who may not have been
12 designated by the inmates, per se, as chief
13 negotiators, but around the table you had your
14 Puerto Rican segment who sat and they talked
15 with the Puerto Rican legislators. You had your
16 blacks, some who I knew better than others. You
17 had your white inmates. They sat around the
18 table together, but none of them would converse
19 with us while in fact many other people were
20 talking.

21 And Bill Knustler made this very clear
22 that night; that he had talked with the inmate
23 leaders, that he was their attorney and that the
24 whole question of total amnesty could in fact
25 be discussed.

MR. LIMAN: That was Sunday night?

1 THE WITNESS: Sunday night, 1073

2 yes.

3 I think Bill Knustler made that very
4 clear. In fact, as I say, Bill Knustler of
5 all people moved for us not to have a press
6 conference because he felt that there had been
7 some indication given that Oswald wanted time
8 to think about it and to possibly get back to
9 us the next morning and that we could get further
10 conversation on it and that wasn't Bill's
11 posture to avoid talking to the press, but I
12 think he realized that we had reached a serious
13 point and that we should not do anything that
14 would hurt Oswald being able to exercise leader-
15 ship; that if we had a press conference that
16 there would be a counter-reaction and he said,
17 "You know, let's not do it. Let's give him time.
18 Let's let him think over it over the night and
19 let's get back with him the next morning."

20 And that's what Oswald said.

21 So, there is no question that this thing
22 within two or three days we felt could have been
23 resolved.

24 MR. WILBANKS: The reason I asked that
25 question is that, you know, the impression might

1 have been left that just the observers 1074
2 used this as a last straw type of thing, but inmates
3 did communicate to you that this was a negotiable
4 demand with time it could be worked out?
5

6 THE WITNESS: Yes.

7 MR. WILBANKS: Did you and the inmates
8 realize that you were negotiating for 10,000
9 inmates, in effect, for all the inmates in New
10 York State and not just Attica?

11 Sometimes this is misunderstood.

12 THE WITNESS: No. Let me say this.
13 The inmates said to us, especially on Thursday
14 night, Friday mainly, that prisons in New York
15 State have been used as a form of dehumanization
16 and a form of a genocide process. They called
17 it genocide. They said that the "system
18 dehumanizes us, attempts to break us and
19 ultimately return us back to our community in
20 which we will in fact commit crimes, physically
21 and bodily, against our own people."

22 And the black inmates even went
23 further to say that 85 per cent of the black
24 and Puerto Ricak--if you dehumanize and break
25 us so that we no longer value human life, who
are going to be our victims when we return back

1 to our own communities; our own people 1075
2 and they said we did not want to be a part of that
3 genocide process; that the system is attempting
4 to develop a total cadre and army to return
5 back to the black and poor areas and I think,
6 yes, they knew and they may have felt and I must
7 commend them that if Attica had, in fact, made
8 a breakthrough with making those institutions
9 human, rehabilitative, corrective, and made them
10 so that they did in fact have a positive effect
11 on helping a man rid himself with whatever his
12 problems and basic deficiencies were that it
13 would have to in fact be spread throughout the
14 State of New York penal institutions.

15 I think, you know, Oswald made that
16 very clear to us.

17 MR. WILBANKS: Excuse me. You said
18 spread.

19 Do you mean if the demands were granted
20 they wouldn't go in effect at all the institutions;
21 that was your understanding at one time?

22 THE WITNESS: Oswald knew that whatever
23 was agreed upon at Attica had to go through the
24 whole thing and I think everybody realized that.

25 Everybody realized that, but Attica was

1
2 And he said, "Where I lived they
3 thought on in the name of Urban Renewal, told
4 us that we would be moving back in a year or
5 two into nice homes; told us that we would
6 have an opportunity to rent at a reasonable
7 rate and he said the area hasn't been built up
8 yet and we had to move into even worse and
9 overcrowded and more slum and ghettoed conditions."

10 And he said, "Who made that decision?"

11 "Again, the political institution to
12 tear it down and not build it up."

13 And he said, "I live in an area which
14 was overcrowded of poor kids. Poor kids who
15 needed a place to play with good supervision,
16 direction and programming, to utilize their
17 energies effectively. He said, "But they didn't
18 build those kind of institutions for us, even
19 though we know that poor families are bigger
20 than middle income and richer families and
21 they know we have more kids." And then he said
22 that the Milton Eisenhower committee and the
23 Kerner committee has documented that racism is
24 in every institution in America and he said
25 it has become politically expedient for us to

1 at that most immediate time the
2 critical institution. Attica was where the action
3 was. Attica was where lives would either be lost
4 or saved and therefore we had to deal with Attica
5 specifically at that particular moment.
6

7 MR. WILBANKS: One final point.

8 I have heard this talked about quite a
9 bit, the idea of minimum wage and paying for the
10 costs incurred by the state for keeping an inmate
11 up and you mentioned this that it would include
12 paying the cost of the guards and everything.

13 THE WITNESS: Right. Everything.

14 MR. WILBANKS: I did a little arithmetic
15 while you were talking. If it's true that the
16 state says that it costs 6,000 or so dollars a
17 year to keep one inmate. If you give that inmate
18 \$2 an hour, which is 20 cents above the minimum
19 wage, for 5 hours a day, which is presently what
20 they are working for, 7 days a week, he would
21 only make \$3600 a year, so he would owe the state
22 \$2400.

23 Are you aware of this type of arithmetic?

24 THE WITNESS: No. I wasn't, but I think
25 that had a very psychological and emotional aspect
as far as a man working for his worth and giving

1 him dignity. I think some of the
2 inmates, I'm sure, and I haven't seen any of our
3 programs or anything because I have been very
4 busy, but I'm sure that some have told you what
5 their wages were, how they were not allowed
6 showers, but once a week, how they went through
7 the kind of things that really break a man and,
8 you know, help to even further deteriorate his
9 values if in fact his values had been deteriorated
10 and there they wanted some accountability as
11 about what happened to their wages.

12 We discussed, I think, Thursday night,
13 in there to a great degree what happens to the
14 inmates' money and what kind of interest do they
15 get, who gets that interest. They have told us
16 that the State of New York made a considerable
17 amount of money off of the kind of things that
18 they build in that institution and in fact they
19 were not getting their just results.

20 They talked about the farm that produced
21 fruit sufficiently to provide them with fruit 12
22 months a year, but was in fact being sold by the
23 correctional institution within the town. They
24 talked about, you know, many, many things and I
25 think if we get down to paying them minimum wage

and having them do this, that we
would have gone in further and I hoped to go
further into what really happens to their
money when it's taken by the state and put
into various banks and institutions and the
interest off of that, whether or not it is
in fact given to the inmates, into an inmate
fund and not the warden's fund, as I understand
their interest goes to. But these are things
that I have heard that may not be in fact truth,
but I think it warrants some serious investiga-
tion and some evaluation.

MR. MCKAY: Bishop Broderick.

BISHOP BRODERICK: Assemblyman, I
was interested in some of the observations you
made. One was your role as an observer, which
you reduced somewhat as others did to that of
a messenger.

THE WITNESS: Yes.

BISHOP BRODERICK: You said you had
no policy making, but you were just someone who
is carrying a message.

THE WITNESS: Right.

BISHOP BRODERICK: Even though you were
chairman--"chairman" of the observers and you

1 spoke to the command headquarters 1080
2 of the state and you did not have access to that?

3 THE WITNESS: Right.

4 BISHOP BRODERICK: My question, simply,
5 is this: Do you think that was based on your--
6 on the fact that you were a democrat?

7 THE WITNESS: No. Anyone that knows
8 my political existence in Buffalo--and it's well-
9 known in this New York State Legislature--I ran
10 a black man for mayor independently as a third
11 candidate in the City of Buffalo in 1969 because
12 I felt that the democratic and republican leader-
13 ship was not offering leadership. I have never
14 been endorsed by the democratic party and machine
15 in my area. I have been denied job allocations
16 by the democratic majority because of my
17 independence.

18 I have had a total political existence
19 that has had to, and it has always been, based on
20 the value of man. I attacked the democratic
21 leadership in Albany. I have attacked the
22 republican leadership in Albany. I called my
23 democratic colleagues in the last session a
24 group of fascists and Nazis for supporting in
25 one year bills--resident bill. That lost me

41
1 a lot of friends.

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2 And anyone, even Bob Douglas, knows in
3 fact there were times when the Governor and those
4 had various different political crises they came
5 to me because they considered me to be independent
6 and that they could talk to me not as a party
7 individual, but as one who would do those things
8 which he felt was in the best interests of people.

9 So, my whole political existence has not
10 been based on party and Bob Douglas knows this
11 and the Governor knows it better than anybody
12 else. Okay?

13 BISHOP BRODERICK: Somehow it came out
14 that maybe you would not consider Mr. Douglas
15 your closest personal friend.

16 THE WITNESS: Well, in working within
17 this thing Bob Douglas knows that we have been
18 always able to talk and that is not, and I can't
19 matter--you know, for someone to bring up a
20 petty political consideration that I consider
21 very pedicel--petty, when we are dealing with
22 human life and to use that as someone an
23 excuse for not developing dialogue--

24 BISHOP BRODERICK: I asked you merely
25 to--

THE WITNESS: Yes, but I'm

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1
2 merely saying that--in fact, this is the first
3 time I have been asked specifically on this and
4 some people, like the Governor's response was
5 that my impeachment proceeding was a political
6 gesture, a grand stand.

7 Well, the Governor knows me better
8 because it has literally meant that I have to
9 suffer politically by trying to impeach the
10 Governor and if I was considering political
11 consideration with all of his wealth and money
12 and power that he has in both major parties,
13 I would have not went across with my impeachment
14 proceedings, but I am convinced that anybody
15 who would author and be a part of what happened
16 at Attica and the manner in which it did happen
17 is not fit to be Governor of the State of New
18 York and that--and that alone was my decision
19 and the reasons why I in fact did that, what
20 party--party is nothing but an implement--in
21 fact, in the black community of my area, if
22 they were all republicans, I would be a
23 republican and run in the primary. If they
24 were all liberals, I would be a liberal and
25 run in the liberal primary to get on the ballot.

I would be whatever I have 1083

to be in order to get in a position in order to
make the system or attempt to make it responsive
to human needs.

Party is nothing but a tool to be used
and it is not the answer. It is not the safeguard
and it is not the final institution.

Part of what happens politically--
because the Governor of my state really has great
influence in both political parties to a great
degree.

BISHOP BRODERICK: Assemblyman, on the
question of the matter of Officer Quinn's death
you said something about the press publicized the
story fabricated by the state. That's the
message I got from your words.

THE WITNESS: Right.

BISHOP BRODERICK: When you say state,
did you have anyone in mind or any spokesman?

THE WITNESS: Somebody must have told
the press how this man was injured and the press
was not allowed in Attica on Thursday, the early
part. The inmates asked for the press because
they wanted the press to come in and to document
the conditions and so forth and what was going on.

1 BISHOP BRODERICK: But there 1084

2 was no press release given by the state to the
3 reporters; was there?

4 THE WITNESS: I wasn't aware of what
5 the state was giving the reporters because they
6 did not privilege us inside with a lot of their
7 press releases and statements. They did this
8 through their P.R. men outside and at times we
9 were not aware of what was going on, at lease
10 I wasn't. Maybe there were other observers who
11 were in fact aware of what the state's actions
12 were in certain areas, but I wasn't in that
13 particular case.

14 BISHOP BRODERICK: My last question
15 is that you said that for two years you tried
16 unsuccessfully to get black troopers in New York
17 State and you failed and are you still trying?

18 THE WITNESS: Yes. We are trying and
19 next week I will ask on the Fourth Legislature
20 the black and Puerto Rican caucus to ask the
21 Federal EDOC office to come in and investigate
22 the State of New York and its employment practices
23 in all its state agencies and its contract agencies
24 because Mr. Bob Lamb of the Justice Department and
25 the Commission went and met with the Governor last

1 year in March or May. I had sent him 1085
2 material. I had met with him and I have the
3 Federal Government become involved in trying
4 to work with the state and in increasing the
5 numbers of minorities in our state troopers.
6

7 And I have mentioned Bob Lamb's name
8 so that if anyone doubts it, they can subsequently
9 locate Mr. Bob Lamb, who is now in Philadelphia,
10 as the regional director there of that particular
11 commission.

12 And he brought his boss, his superior
13 to Albany to meet with the Governor and the
14 appropriate state superintendent, but they gave
15 all of us a series of lip talk and no action and
16 I am convinced that if, of the thousand troopers
17 who stormed into Attica, if one hundred had been
18 blacks and Puerto Ricans, the massacre would never
19 have taken its form that it subsequently did, because
20 there was only one black state trooper, to my
21 knowledge, that was there and his name is Mr.
22 Heritage.

23 I understand that he was on the outside.
24 I had requested him to guard our door because I
25 was scared that a correctional officer who guarded
the door might have gotten very frightened and

1 bitter might have turned on us and 1086
2 shot us, so I had requested the one black
3 correctional officer--state trooper to guard
4 our door, but they said they couldn't find him.
5

6 So, to my knowledge, he was the only
7 black present.

8 MR. LIMAN: To make it clear, he did
9 not participate in the retaking action.

10 THE WITNESS: No. I understand he was
11 no where involved in the retaking action whatso-
12 ever.

13 REVEREND BRODERICK: Thank you.

14 MR. MCKAY: Mrs. Wadsworth.

15 MRS. WADSWORTH: Assemblyman Eve, by
16 continually, to the Commission hearings, look
17 for ideas for where we are going in the future
18 and new thoughts. I was interested when you
19 were developing the process by which the 28
20 demands came together, that you did touch a
21 thought I had not heard before, which was the
22 one of the cell block going into a self-
23 determination and plan.

24 I think that this kind of idea I'm
25 sure, took very little time and got little
attention, but often I think we skip over some

1 of the creative thoughts too quickly 1087
2 and go by something that might have the germ of an
3 idea there somewhere and so that rather intrigues
4 me as a thought. Were there other creative
5 thoughts at that time which were not able to be
6 worked into the 28 demands but other thoughts
7 which we should know about and work into our
8 thinking?

9 THE WITNESS: Well, you know, I think,
10 many of the inmates have stated that these
11 institutions can change its treatment and
12 psychological barriers without any cost. I
13 don't know how you reach into the hearts of
14 people and make them relate to people as human
15 beings. I would like to say to you that I think
16 it's important. As you know, I was not in favor
17 of the McKay Committee. I have attacked it. I
18 have tried to distract funds for it.

19 MR. MCKAY: Mr. Eve, could you hold on
20 please while the reporter changes his pad now.

21 THE WITNESS: But I am here to testify
22 before you, even though, as I said, I have
23 expressed otherwise because I don't know where
24 the truth and the courage is going to come from
25 that can arouse people to make them realize that

1 the guys who are serving time, that
2 98 per cent or 95 per cent are going to come out of
3 jail and that we must realize the question we should
4 ask ourselves is what kind of individual do we want
5 to return to our community; one who has been helped;
6 one who has been--whatever problems or basic
7 deficiencies he has had has been improved and that
8 he can play a positive role.

9 We must also move to change the
10 restrictions that the New York State Legislature
11 puts on as far as jobs and opportunities, civil
12 service, driving licenses, just a whole host of
13 areas that we almost literally make it impossible
14 for him to "move back into the mainstream of our
15 society after he has, in fact, paid his debt."

16 A simple thing like removing the screen
17 on visitation day. That may not seem like much.
18 Letting the men do what has to be done within the
19 institution when they need repairs.

20 I remember at Auburn Prison I saw them
21 building a gymnasium there and I asked the
22 superintendent "Why didn't you use the men to
23 build this? What better construction training
24 course could have been instituted if the
25 inmates in fact were building this institution.

1 "They would feel a great
2 sense of pride on it. They would love it. They
3 would take care of it and they could learn a
4 skill."
5

6 And he said, "Well, you know, the
7 unions don't allow us to have inmates do these
8 kinds of skills" and then when you look at all
9 the other job opportunities that are available
10 outside, if the unions will not allow people to
11 learn these skills, then they will not learn
12 enough skills that can make them competitive within
13 our society, so I think you have to take on the
14 unions.

15 I have no qualm about saying the
16 construction union in the State of New York is
17 the greatest racist union there is because I
18 have dealt with them and we had an 11 month
19 moratorium, but if you're willing to move, you
20 have got to take on the barriers and institutions
21 that have presented this thing from happening and
22 we have found, as a member of the joint
23 legislative committee on crime, Senator Hughes,
24 chairman, that prisons are a great contributor
25 to our crime in the State of New York.

I think you should sit with the inmates.

1 You should go over a lot
2 of their innovative ideas.

3 Any reports that come out of prisons,
4 I send them to the inmates and I say, "What's
5 your opinion?" And I am guided by many of them
6 whom I have a great degree of respect for because
7 they know best how they can improve on their
8 conditions and I think we have got to develop--
9 and this is one of their demands.

10 You know, for years they have been asking
11 Attica to set up the mechanics by which they can
12 sit with the administration and set up
13 grievances and people have been remiss in not even
14 trying to develop ways in which men can express
15 themselves and feel that somebody is listening.

16 In many cases all they want is someone
17 to listen and this is the function I used to serve
18 in going to prisons.

19 You know, a lot of times I couldn't do
20 anything to improve on a hell of a lot of
21 situations, but just that you listen, you are
22 concerned, that you wrote, and sometime when
23 you went, you know, they got clean bedding that
24 day, they got a good meal. Somebody moved them
25 from a stripped cell to a regular cell because

1 they knew you were coming. You know, 1091
2 it's a lot of things, but we have got to realize
3 that New York State prisons are, you know, just
4 the most abominable things that you can see.

5 I understand in the select committee
6 on penal institutions, Hugh Jones' committee,
7 that one correctional officer said that the
8 institutions not only dehumanize those that are
9 put in them, but dehumanize those who work in
10 them and I think that's very, very strong
11 indictment against our system, when a correctional
12 officer can say that he is dehumanized just by
13 working inside that kind of, you know, so-called
14 Bastille.

15 We have got problems, but I say go to
16 the inmates, exchange with them. You know,
17 discuss with them. And I think we can come up
18 with some fantastic innovative ideas.

19 MR. MCKAY: Mr. Henix.

20 MR. HENIX: Assemblyman Eve, there is
21 not very much that I can ask you. I think you
22 have covered just about everything pretty
23 accurately, at least from my understanding of
24 prison, the conditions that exist there, but
25 I have about two questions here.

1 You mentioned that you saw 1092
2 this inmate, Frank Smith, laying on his back
3 with a football on his neck.

4 THE WITNESS: Yes.

5 MR. HENIX: Was there any reason given
6 to you--outside of the fact that he is the guy
7 that was supposed to have castrated this officer,
8 but was there any reason given to you for having
9 him in this position?

10 I mean, what was the reason for that?

11 THE WITNESS: Well, somebody sat down
12 and in their sick mind tried to do the most
13 convincing job that there was that this lie was
14 in truth the fact, you know, was in fact the
15 truth.

16 He must have--someone said, evidently,
17 let's put Frank Smith on a table. He is black.
18 He is a man who showed some compassion on
19 Saturday--on Sunday with the observer committee
20 because the state troopers saw and the deputy
21 commissioner saw us all grab Frank Smith. We
22 were about five feet from the gate. They saw
23 us all hug. They saw us all embrace. They
24 saw us walk out of that cell with some tears
25 coming down our eyes, you see, and we were

1 concerned.

2 You know, they saw that emotion, humane
3 fact, and somebody, somebody must have said,
4 "Let's put him on a table, put a football on his
5 neck like a pig, because you use a stiff ball
6 or apple in a pig's mouth and try and make him
7 look like he is the pig, he is the one who is
8 inhuman, he is the one who did the castration.
9 He was one of the leaders. He was the chief
10 security man."

11 You know, it was just a sick distorted
12 individual who derived or either--contrived that
13 kind of situation and it was pretty hard for me
14 to conceive that a human being who works for the
15 government and in exercising some degree of
16 leadership could in fact do that kind of thing.

17 I don't know, you know. They didn't
18 give us any answer. I was shocked by it. I
19 didn't even respond, in fact, on why you did
20 this. You know, immediately my mind was saying,
21 "Why did Frank do it" you know, "Why did Frank
22 do it." It didn't seem like Frank.

23 MR. HENIX: How did they get a football
24 there?

25 THE WITNESS: Evidently, the football

1 was held there and somebody must have 1094

2 told him "If you drop that football, you're dead."

3 Now, if your life depends on your holding
4 a football on your neck, you will hold it.

5 MR. HENIX: You mentioned a few
6 atrocities. Can you think of anything else that
7 you might have witnessed or did witness that was
8 going on at the same time that hadn't been
9 mentioned?

10 THE WITNESS: No. I did not see the
11 overtake of the institution. They told us--in
12 fact, the prisoners were very sophisticated.
13 When we went downstairs and walked through the
14 block, they said, "Here are the weapons they
15 had and they had two guards purposely holding
16 weapons when we went through with so-called
17 alleged molotov cocktails on the top. They
18 mentioned zip guns. You know, it's like every-
19 body had sat down and planned what they were
20 going to say even before they took the
21 facility, because it was such a well-organized
22 thing, well-timed thing, that I have to give
23 them credit, that they had to think of some of
24 it before they went in and that's even more
25 sickening; but, you know--I don't know what kind

1 of individual would do that.

2 MR. HENIX: You had mentioned also
3 that you had objected to the formulation of
4 this Commission.

5 Have you been following the procedures
6 of the Commission?

7 THE WITNESS: Only what I read in the
8 press and believe me, I don't have the kind of
9 confidence in the press, even though I own a
10 black weekly newspaper because it was necessary
11 for black people in Buffalo to have its own organ
12 in order to project positive images of what black
13 people were contributing to the City of Buffalo
14 and in my impeachment proceedings, the New York
15 Post didn't print one word, the New York News
16 didn't do one word and some reporters said they
17 were told in advance to kill the story even
18 before it was printed.

19 So, you know, you talk about the press.
20 I hope to get a transcript and I am asking for
21 the Commission to give me a transcript of your
22 total hearing because I would like to take my
23 time and read what has transpired and what has
24 in fact been said, but, you are my last hope.

25 Okay? You are my last hope. I have

1
2 objected to you. I have fought your 1096
3 funding. I am here, though. I have asked the
4 legislature when I introduced my impeachment
5 proceedings that you convene a hearing, that
6 you, as a legislative body, have the responsibility
7 and the obligation to convene a hearing on my
8 charges to ascertain whether or not they are
9 in fact true. I said, "Make me out a liar.
10 Convene a hearing. You did it before. Convene
11 a meeting."

12 When I went to Auburn Prison after the
13 rebellion and I stated on the floor what I saw
14 and what I felt took place, they convened a
15 bipartisan democratic and republican five-member
16 committee to investigate my charges. That had
17 never been done before in the legislature where
18 a special committee is convened in order to
19 investigate a member's charge.

20 But it was convened with both
21 democratic and republican support and the democrats
22 didn't even let me know, Stanly Steingut,
23 until he had agreed on it and selected the people.

24 That's your question about party
25 loyalty. They are getting me investigated by
my own party and did not even let me know. So,

2 I asked, convene a hearing, gentlemen. 1097

3 I presented 30 to 40-page legal document that in
4 fact the man should be impeached, that he violated
5 the law, you see, and I say convene a hearing,
6 make me a liar, but that's your legislature's
7 responsibility and they have refused. They have
8 refused to live up to their responsibility as
9 legislatures and so, you are the somewhat only
10 hope we have of some, you know--in the U.N., I
11 have written the U.N. a number of times to ask
12 their Human Rights Division to come in and I
13 have gotten, you know, literally just no response
14 to a degree, but, you know, the McKay committee,
15 and I met with Richard Clark yesterday and I saw
16 his statement that he had read on you and their
17 feelings about it and, you know, I have some
18 reservation about the operation, but you know you
19 are the only hope we have and I hope you have a
20 total commitment for truth, honesty and the total
21 facts on everybody's role.

22 MR. HENIX: As far as I am concerned,
23 there is absolutely no other direction it can
24 take.

25 THE WITNESS: Good.

MR. HENIX: But you did ask that won't

1
2 you have a record. I think that is 1098
3 possible in these hearings that we submit a public
4 report, but I, in exchange, as a concerned person
5 of the Commission, because you are not the only
6 person with a lot of skepticism who has charged
7 this Commission, you know, without really really
8 understanding how we are going to go about it,
9 but after you made your review of these documents,
10 I would appreciate it if you would make a personal
11 and public statement to the effect of what you
12 read.

13 THE WITNESS: Very good.

14 MR. HENIX: Thank you. I will.

15 MR. MCKAY: Assemblyman Eve. You have
16 been most patient in responding to our questions.
17 In view of at least the skepticism that you have
18 viewed in these proceedings--under our practice,
19 after you have responded to our questions you
20 are entitled to make a statement of your own of
21 anything that you think that we and the public
22 should know about, but I want to make just a
23 three-sentence statement of my own first.

24 The first is that, of course, a transcript
25 of these proceedings would be available to you and
I think that perhaps even as early as today we may

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1 be able to give you a transcript of 1099
2 the proceedings at Rochester, certainly no later
3 than Monday.

4 THE WITNESS: Very good.

5 MR. McKAY: Second, I want you to
6 understand that all of the members of the
7 Commission and all of the members of the staff
8 share your aspirations which are to find out
9 what happened, why it happened and what can be
10 done to prevent repetition of such a tragedy.
11 When we report to the counties with the system,
12 many of which I'm sure will be consistent with
13 the difficulties that you find in the system,
14 there will be a discussion from that about
15 things to be done in the future and I think
16 perhaps at some time you and we will be able to
17 join hands and make some of those recommendations.

18 THE WITNESS: Thank you very much.

19 MR. McKAY: If there is something you
20 would like to say, we would be most glad to hear it.

21 THE WITNESS: Yes.

22 You know, I hope that the McKay committee,
23 live, and with what you have said, you intend to do,
24 that we need an ongoing mechanism to constantly
25 observe, monitor and observe and go into these

1 institutions on a frequent and consistent

1100

2 basis.

3 I was at Clinton Prison the month of
4 December and I asked Rev. Metzwoollen (phonetic)
5 who is chairman of the United Black Clergy and
6 Rev. State, from the Presbyterian Church, in
7 Schenectady to go with me, a white man and a
8 black man, both ministers.

9 We went to Clinton Prison and we
10 went into the segregated units and we talked
11 with the inmates. We talked with a number of
12 people. We met with the superintendent and
13 staff, but at a particular period of time we
14 were told that there were 41 men in segregation
15 and the lieutenant who took us on the tour said
16 that they are there for preventive measures.

17 I said, "What do you mean preventive
18 measures?"

19 He said, "We do not want the same things
20 to happen at Clinton that happened at Attica."

21 I said, "What do you mean?"

22 He said, "We don't want these inmates
23 to rebel and to kill our guards as they did at
24 Attica on September 13."

25 And I said, "You know, lieutenant, don't

1 you know that the state troopers killed 1101
2 the hostages on September the 13th; that the
3 throat cutting and the mutilating of bodies
4 and the sticking of organs in the mouths of
5 correctional officers were not done by the
6 inmates, but they were all killed by the
7 state troopers?"

8 This lieutenant said, "We do not believe
9 it. We do not believe it."

10 I said, "Do you know the medical
11 examiner confirmed it and the Governor threw
12 in two smart and capable pathologists from
13 New York City, a big city where all the sharp
14 people are," and I said "they are confirmed, the
15 medical examiners report is true" and he said,
16 "We don't believe them."

17 He said, "They have all lied."

18 He said, "All of those hostages were
19 killed by the inmates."

20 How do you deal with that? How do you
21 deal with people who are wanting to hold on to a
22 lie in order to justify inhuman treatment of
23 inmates still in our prisons?

24 And we cannot talk about making changes
25 by just having a hearing and going away and thinking

1 that things are going to change.

1102

2 We have people in these institutions who
3 are running them and when I talked to the
4 commissioner--the superintendent afterwards,
5 LaVale (phonetic), and I told him what this
6 lieutenant said to me, he said, "Well, we are all
7 revolutionaries and we have got to protect our-
8 selves."

9 I said, "What's your definition of
10 revolutionaries?"

11 He said, "A revolutionary is a man who
12 will say in the cell block, "Kill the pig white
13 guards."

14 And then he said, "It's also a man who
15 sends out a letter or receives a letter and at
16 the end of it says, "Right on."

17 And I said, "Superintendent, you are
18 joking."

19 I said, "I say right on in the black
20 community like you say Good morning, Good afternoon
21 and Good evening."

22 I said, "You mean that you will take a
23 man out of the regular population, put him in
24 isolation, take away his privileges, maybe even
25 take away his good time because he writes a letter

and uses the expression "Right on."

1103

Now, that's the mentality of some of the people who are responsible for these institutions and Rev. Metzwoollen (phonetic) and Rev. State said, "Eve, if I was not here with you to listen and to hear this mess," he said, "Nobody under God's creation could have made me believe that this kind of dialogue went on." And that's what's going on in these institutions.

And there are some guards who want to make out and acknowledge that the institution is in fact wrong. But they don't have many friends. They are the do-gooders. They are called nigger lovers. They are called men that don't want to uphold the standards of what people who have no business being over control of people are in control and I give you this fact because it is frightening. It is absolutely frightening that when we put forth the truth, people still don't want to hear it; people still don't want to believe it and when I say to you what I have said here today and audiences get up--I spoke to the United Christian Women in Elmira, New York the night before last, mostly white, 50, was the age, or so and after the women said it's pretty hard

1 for us to believe what you are telling
2 us and I have told them just what I have said here
3 today, that you have in confinement, by your
4 counsellor, that the people don't--are not
5 capable to believe that these kinds of things
6 are being done.
7

8 And I say to you that if we do not
9 change it, if we do not make it what it should
10 be, then ultimately we will be destroyed.

11 Then Steve Rowan, I like to mention
12 the name, Steve Rowan, I'm going to mention this--
13 after the truth came out about the mutilation
14 and the death in Buffalo on Channel 4, we did
15 an interview and Steve said to me, "Eve, I have
16 been in the news business for 25 years. I worked
17 with Cronchite for 10. I covered the Pentagon
18 for 8 to 10 or 9 years. I said I have been all
19 over the world. He said nothing has ever upset
20 me, nothing has ever frightened me, he said, but
21 Attica.

22 For the first time in my life I am
23 frightened and he said Who in the hell in government
24 can we ever believe again.

25 That was made by a man who had been in
the news business for 25 years, an internationally

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1 known man and further not frightened--

1105

2 further, not frightened as I am frightened, then
3 something is wrong with all of us because the
4 system did that, the system is responsible and
5 as the inmates said, the dehumanization process
6 takes place inside the yard and outside the
7 yard and the definitions of political prisoners
8 by many of the inmates I have talked to over the
9 years and why they consider themselves political
10 prisoners, I think this is something you should
11 think about.

12 As one young man told me, he was from
13 Harlem. He said, "You know why I consider myself
14 a political prisoner?"

15 He said, "I went to a school that was
16 inferior; I went to a school where the physical
17 plan was a dehumanization institution within itself.
18 I went to a school where teachers were not committed
19 to providing me with a quality education. Yes,
20 there were some committed ones and there were
21 some only concerned about pay checks."

22 And he said, "The political institutions
23 made that determination on the quality of education
24 I received."

25 And he said, "I did not get a good

1 expose and to confirm to racism and 1106
2 he said the cops in Harlem weren't involved in
3 the narcotics and he said the political
4 institutions are allowing narcotics to flow
5 in Harlem because they felt it was destroying,
6 basically, black people and brown people. And
7 he said when I look over my past, I have to
8 conceive and come to the conclusion that the
9 political institutions are the ones who made
10 those decisions to destroy me. He said they
11 made a society in which they knew that if you
12 threw a hundred people in, you would destroy
13 50 and he said yes, I committed a crime. I
14 am serving my time, but he said if the
15 political institution had made the proper
16 decisions, I would not be here and therefore,
17 I am in fact a political prisoner.

18 He told me that two years ago--and it
19 makes a hell of a lot of sense--that if our
20 political institutions had made the proper
21 decisions we would not have people in prisons
22 the way we have today, so we have got to change
23 a lot--I'm glad to see a minister up there, a
24 man of God, because the church has failed.
25 The church has failed to be in the vanguard

1 of the fight for human dignity and
2 human rights and human dignity. And when they can
3 come to Albany concerned about the abortion bill,
4 Father, but not concerned about welfare cuts,
5 medicaid cuts, decontrol of housing, closed
6 mental institutions, closing narcotics
7 institutions, justifying racism, restoring the
8 capital punishment law and the church does not
9 take a position!

10 BISHOP BRODERICK: I think they have.

11 THE WITNESS: Of the thousands of--they
12 have loaded Albany, Father, for none of these
13 things I told you--and if we are concerned about
14 life, we have got to be concerned about total
15 life and after it is born and walking so I hope
16 that all of us will rededicate ourselves to
17 make this system responsive.

18 Thank you.

19 MR. McKAY: Assemblyman Eve, we thank
20 you very much for being with us today.

21 The hearing will be recessed until
22 this afternoon at 2:00.

23 (Time noted: 1:00 p.m.)
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25

C E R T I F I C A T E

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4 STATE OF NEW YORK)
5 : ss
6 COUNTY OF NEW YORK)

7 I, RICHARD GREENSPAN, a Shorthand Reporter
8 and Notary Public within and for the State of
9 New York, do hereby certify:

10 That I reported the continued proceedings
11 (page 962-1107) hereinbefore set forth and that
12 the within record is true and correct.

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

17 IN WITNESS WHEREOF, I have hereunto set
18 my hand this 28 day of April, 1972.

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RICHARD GREENSPAN