

AFTERNOON SESSION2:00 p.m.

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

Our first witness this afternoon is Mr. Johnson.

Mr. Johnson, will you stand and be sworn.

L Y N N V A N J O H N S O N I I, called as a witness, being first duly sworn by Mr. McKay, testified as follows:

MR. BENENSON: May I note for the record that Mr. Johnson is accompanied by Counsel Marc K. Benenson from Murray Gordon, P.C.

EXAMINATION BY MR. LIMAN:

Q Mr. Johnson, state your full name for the record.

A Lynn Van Johnson II.

Q How old are you?

A 26 years old.

Q What is your occupation?

A Correctional officer.

Q Where are you assigned?

A Camp Frasalia. It's a division of the Youth

2 Q How long were you a correction officer at  
3 Attica?

4 A I was at Attica a year and five months.

5 Q Was Attica your first job?

6 A No. I worked at Greenhaven Prison.

7 Q For how long?

8 A Near Newburg, New York, for approximately four  
9 months.

10 Q Before becoming a correction officer, were you  
11 in the service?

12 A Yes. Three years in the army. Military  
13 police.

14 Q What kind of training did you receive as a  
15 correction officer?

16 A On-the-job training.

17 Q You said that you now work at a camp. How old  
18 are the inmates there, what are the requirements?

19 A It ranges between 17 and 18 years old and we  
20 have camp men as old as 25.

21 Q Did you request the transfer to the camp after  
22 September 13th?

23 A Yes, I did.

24 Q Just for the record, because we haven't heard  
25 very much about these camps, could you state what the

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1 difference is between working at a camp and 1111

2 working at Attica?

3 A The difference between working at a camp and  
4 working in any of the big institutions in this state is  
5 just like the difference between night and day.

6 Q In what way?

7 A It is so much better. An easier atmosphere.  
8 You can actually--as a correction officer, you can ac-  
9 tually sense that you are doing some good with the kids  
10 that you are dealing with. You can actually sense that  
11 you are helping them to get straightened out.

12 Q You did not have that sense working at Attica  
13 or Greenhaven?

14 A None that I ever felt.

15 Q What was your regular assignment at Attica in  
16 September?

17 A I was day-off relief man, B-block. This means  
18 that I worked several different jobs, relieving guys  
19 on their day off.

20 Q When did you report for duty on September 9th?

21 A 7:00 o'clock a.m.

22 Q Were you given a briefing?

23 A That morning at roll call, Lt. Curtis mentioned  
24 that they had some trouble in A-block yard the evening  
25 before and that we were to be especially careful in our

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1 dealing with inmates, to avoid open confrontations 1112  
2 and, in general, to take it easy until the feel of the  
3 situation came down.

4 Q Following roll call, what assignments did you  
5 perform?

6 A I took 14 and 17 company B--block to breakfast.  
7 Returned them from the messhall to the yard and took 17  
8 company over to Metal 2 for work.

9 Q Was anything unusual at breakfast?

10 A The only thing that I noticed that was anywhere  
11 near unusual was that they were quieter than normal, mean-  
12 ing the inmates were much quieter than normal.

13 Q You said you then went to the metal shop, and  
14 which metal shop did you work in?

15 A I went to Metal 2 and that day my assignment  
16 was the Crating Department.

17 Q There is a map behind you. I wonder whether  
18 you can locate Metal 2 on that map.

19 A Metal 2 is right here, back here on this far  
20 corner.

21 Q Metal 2 was, therefore, where you worked, the  
22 Crating Department was in the rear of Metal 2?

23 A Right.

24 Q When did you actually arrive at Metal 2, ap-  
25 proximately?

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1           A     Oh, just as an average, probably about     1113  
2     about 20 after 8:00.

3           Q     When was the first time you got any sign of  
4     trouble in the institution?

5           A     As far as I can remember, the first inkling  
6     that I had that something was going on was approximately  
7     a quarter to 10:00. Somewhere between a quarter to 10:00  
8     and 10:00 o'clock.

9           Q     What was that sign?

10          A     An officer by the name of Don Allmeter came  
11     back through the shops trying to tell me something. I did  
12     not understand at the time what he was trying to say, but  
13     that was the first inkling of trouble.

14          Q     You fix this time by reference to when you  
15     normally got your coffee in the Metal 2?

16          A     Right.

17          Q     You say that Mr. Allmeter was trying to tell you  
18     something, but you did not understand what he was saying?

19          A     Correct.

20          Q     Did he come into Metal 2?

21          A     Yes. He was back in Metal 2 and he was back  
22     by the Crating Department and the steel gang, which is  
23     back there in the same general area.

24          Q     In the rear of the shop?

25          A     Right.

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1 Q What did you do after Mr. Allmeter came 1114  
2 by?

3 A I did not know for sure what he was trying to  
4 say, but I figured that there was some kind of trouble,  
5 so I locked the rear door of the Crating Department...

6 Q Was the rear door open up to then?

7 A Yes.

8 Q That rear door let out to what would have been  
9 gun cover protection?

10 A Right.

11 Q So that by locking that rear door, you locked  
12 your exit to safety?

13 A Yes, I did.

14 Q And at the time you locked it, I therefore  
15 can only conclude that you did not realize that you were  
16 in any jeopardy.

17 A Definitely, I did not.

18 Q What did you do after that?

19 A I locked the door, locked the tools up that  
20 were there in the open and then I walked up the front  
21 of the shop to the sergeant's office up in the front  
22 of the shop.

23 Q That would be approximately 10:00 o'clock or  
24 so?

25 A Approximately.

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1 Q What did you do then? 1115

2 A We stood there for 10, 15 minutes--

3 Q Just doing nothing?

4 A Just doing nothing. Just standing there  
5 waiting for word from up front or word from Sergeant  
6 Cunningham as to what was happening. I did not know  
7 what was happening.

8 Q Where was Sergeant Cunningham?

9 A He was sitting in his office at his desk.

10 Q Was he able to communicate, so far as you  
11 could see, with the front office to find out what was  
12 going on?

13 A I never noticed him talking on the telephone.  
14 I don't know if the telephones were out at that time or  
15 not.

16 Q Did you hear the siren at any point, whistling?

17 A Yes, we had be standing up there in the front  
18 of the shop for 10, 15 minutes before it finally started  
19 whistling.

20 Q What were the inmates in the shop doing while  
21 you were standing there?

22 A Most of them were just standing around. A lot  
23 of them I don't think realized any more what was happen-  
24 ing than I did. They were tipping over lockers and  
25 yelling and hollering, a certain few, and the rest were

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1 just standing there waiting for developments 1116

2 like we were.

3 Q What was the next development?

4 A We had been there 15 minutes maybe when Of-  
5 ficer Gary Walker come in from the shop gates and then--

6 Q Came into the shop?

7 A Came into the shop from outside. And then that  
8 was the first time that we really knew what was happening.  
9 He told us that they had gone through Times Square and  
10 were in B-block on their way through to the shops. So  
11 we locked the doors leading out of the shops and just  
12 stood there.

13 Q Did any of the inmates in the shop at this  
14 point make any effort to take you into custody?

15 A No, they did not.

16 Q What happened next?

17 A Well, we had been there, Gary Walker had been  
18 there about 15 minutes and we could hear inmates break-  
19 ing through the shop gates and through the gates leading  
20 out of B-block and they broke the window in the door  
21 to the metal shop and reached inside and unlocked it and  
22 came in.

23 Q They reached inside and unlocked the door?

24 A From the inside, right.

25 Q About how many inmates came in?

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1 A Oh, there must have been 25, 30. Maybe 1117  
2 more than that.

3 Q What happened next?

4 A Well, they kind of had a spokesman. We were  
5 standing, the officers and some civilian employees were  
6 standing there in a group in front of Sg. Cunningham's  
7 office and they came over and said "Drop your sticks,  
8 take off your clothes, do as you are told and you won't  
9 be hurt."

10 Q What did you do?

11 A I dropped my stick, took off my clothes and  
12 stood there.

13 Q How long did you stand in that condition?

14 A Probably five minutes before they started to  
15 move us out of the shops.

16 Q Did they say anything to you about the fact  
17 that if you went, you wouldn't be hurt?

18 A Yeah, they said this a couple of times, if  
19 we did what we were told, we wouldn't be hurt.

20 Q Show us what happened after you left the metal  
21 shop.

22 A We left Metal 2, which is right here, out into  
23 the corridor--

24 Q Wait. I think you are pointing--the administra-  
25 building is right over--oh, yes. Metal 2 is back here,

1 then, right?

1118

2 A Right. We left Metal 2, turned to the left  
3 going out the door up the B-block corridor and up  
4 through B-block corridor all the way up to Times Square  
5 and then out into D-block yard.

6 Q Did anything happen to you along the way?

7 A Well, along the way there were inmates stand-  
8 ing in the hall. As one decided he would want to, he  
9 would take a crack at us with a stick or a pipe or what  
10 have you.

11 Q Were you last in line?

12 A Yes, I was on the very tail end of the line. I  
13 was struck several times.

14 Q Did you see others struck?

15 A Yes. Sgt. Cunningham and I seen--I saw  
16 Officer Jennings in B-block being beaten.

17 Q When you went out into the yard, what happened?

18 A They took us out in the yard. We went right  
19 out to the center of the yard and stood, stayed there  
20 for, oh, 10 or 15 minutes, and then they moved us over  
21 into the corner underneath where the TV would be.

22 Q When you got out to the yard, approximately how  
23 many hostages were there already?

24 A Oh, I'd say there was 20 sitting there in a  
25 corner when we got there.

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1 Q So you were among the last group of  
2 hostages to be brought out?

3 A Right.

4 Q After you got into the hostage circle, were  
5 you harmed at all by any of the inmates?

6 A No. Nobody did anything to us. When we moved  
7 into the corner, they had already set up a partition of  
8 tables and benches and what have you around the corridor  
9 and set up a perimeter of defenders for us with orders  
10 not to let anybody into the circle of hostages without  
11 permission from one of the leaders.

12 Q Did there come a point when you were given some  
13 clothing?

14 A We were out in the yard probably, oh, a half  
15 hour, and we were working on first-aid for the guys that  
16 were hurt, and they gave us clothes then. Coveralls and  
17 some had their uniforms still on. Inmate pants and  
18 shirts and boots of some type.

19 Q You were given coveralls?

20 A Yes, I was given a pair of gray coveralls.

21 Q At this point you did not have any blindfolds  
22 on, am I correct?

23 A No.

24 Q Did any of the inmates who were surrounding  
25 you give you any assistance during this period?

1           A     Yes. At one point that stuck out,           1120  
2 one of the inmates that had worked for me over in Metal  
3 2 come up after we were out in the yard probably 20  
4 minutes and he come up to me and said, "Here, Mr.  
5 Johnson, starting swinging this when the state troopers  
6 come in," and he put a four-foot 2x4 down underneath my  
7 feet where nobody could see it.

8           Q     Were any of the hostages menaced once they  
9 got into the , either the circle in the middle of the yard  
10 at the beginning or in the circle toward the corner where  
11 the television set was?

12          A     Nothing ever came of it, but once or twice  
13 individual inmates tried to get into our area and were  
14 repelled by the guard force.

15          Q     Did anybody try to get in with a gas gun at  
16 one point?

17          A     Yes, shortly after Capt. Wald was brought  
18 into the circle, an inmate come up to him and he had one  
19 of the long-range gas guns in his hand and he pointed the  
20 gun at Capt. Wald's head and pulled the trigger.

21          Q     Nothing went off?

22          A     Nothing went off.

23          Q     After that, did the people who were assigned to  
24 maintain perimeter security try to keep everybody out?

25          A     Yes.

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1 Q Were there instances in which they 1121  
2 had to resort to force to keep people from getting at  
3 the hostages?

4 A I seen one inmate hit another inmate with an  
5 ax handle.

6 Q What was the inmate trying to do?

7 A Trying to get in at us. And the man that hit  
8 him was one of our security force.

9 Q When was that?

10 A This first time was probably about 11:30 that  
11 morning, the first instance.

12 Q How long did you remain at the...in a corner  
13 by the television set and could you...

14 MR. LIMAN: Mr. Carter, could you point  
15 on this map to where the television set was in  
16 D-yard.

17 Q How long did you remain there?

18 A Oh, probably until shortly before noon, 11:30,  
19 12:00 o'clock. Somewhere in that area.

20 Q What happened then?

21 A Then they moved us out into the center or  
22 almost the exact center of the yard where they kept us  
23 all weekend.

24 Q Were you able to see at this point?

25 A Yes. No, right then they blindfolded us.

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1 Q When they moved you to the center of 1122  
2 the yard?

3 A Right When they took us out of the corner  
4 and moved us to the center, they blindfolded us.

5 Q How long did these blindfolds remain on?

6 A Until 8:00 or 9:00 o'clock Friday night.

7 Q So that you were blindfolded from approximately  
8 12:00 noon until late Friday night?

9 A Right.

10 Q I understand that as a result there was some  
11 disorientation in terms of time of when things happened.

12 A Definitely.

13 Q During this period that you were blindfolded,  
14 how did you pass the time?

15 A Well, that was the hardest part of the whole  
16 weekend. With your eyes taken away from you, all you  
17 could do is sit there and listen to what was happening  
18 and think.

19 Q Did you understand that Commissioner Oswald had  
20 come in at one point?

21 A Yes.

22 Q Did you understand that negotiations were taking  
23 place?

24 A Yes. We definitely kept track of what was  
25 happening from the speakers there.

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1 Q Had you expected the state police to  
2 attempt to recapture the institution right away?

3 A Yes, I expected them before on Thursday.

4 Q How did you feel when nothing happened and you  
5 heard negotiations were in progress?

6 A I felt that they were wrong in not coming in.  
7 I did not think even as being a hostage out there in  
8 the yard, I did not think that they--that the authorities  
9 should have negotiated with them while they were holding  
10 hostages. I was ready for them to come in Thursday  
11 morning. A lot of inmates were ready for them to come  
12 in Thursday morning.

13 Q What do you mean by "ready for them to come  
14 in"?

15 A Well, expected them to come in right away  
16 instead of waiting.

17 Q Was the yard disorganized when you got out  
18 there?

19 A Right when we got out there, not too many in-  
20 mates were in the yard. They were all out breaking  
21 windows and raiding the commissary and burning the  
22 school and burning the library and burning the state  
23 shop and tearing the metal shop apart. As long as we  
24 stayed out there, they gradually came out and they seem-  
25 ed to be organized..

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1 A lot of people were just standing around 1124  
2 talking, wondering what was going on, just as much as  
3 anybody else was.

4 There were a certain few that were doing a job  
5 that had been more or less preassigned to them, I guess,  
6 but this was very few compared to the number that was out  
7 there.

8 Q What do you mean by "preassigned"?

9 A Once we got out in the yard, they--as I said,  
10 before we were enroute in the yard they had the perimeter  
11 set up for us and our security guards--

12 Q But you came out in the yard late, I take it?

13 A Right. This is true. But it all seemed to  
14 be planned or planned--the effect of the thing.

15 Q How were you fed during the period that you  
16 were in the yard?

17 A As good as could be expected. Fried egg sand-  
18 wiches, cheese sandwiches. Sunday afternoon they gave  
19 us some goulash. And we had coffee and water and hot  
20 tea and Kool-Ade. Whatever was there available, we  
21 had.

22 Q What did you sleep on?

23 A The first night we slept on the ground. And  
24 then late Friday night they got us mattresses out of the  
25 blocks.

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1 Q How were you treated in general? 1125

2 A As good as could be expected. There was no  
3 brutal--no beating on us or anything like this. There  
4 were threats yelled at us from outside the perimeter, but  
5 the security people that were in charge of keeping us  
6 safe, did a real good job, as far as protecting us.

7 Q You developed reliance on them?

8 A Oh, yes, definitely.

9 Q Did you hear the inmate demands being read over  
10 the loudspeaker, voted upon?

11 A The first time we heard them, that I remember  
12 hearing them was when they just had, oh, five or six de-  
13 mands. Then the next time was when they read off the  
14 list of 28 proposals that Mr. Oswald had accepted.

15 Q Those were read off on Saturday night?

16 A Right.

17 Q When you heard the 28 demands which the Com-  
18 missioner had accepted read off, did you feel that any  
19 of them were justified?

20 A Yes, a great many of them were justified. I  
21 feel and always have felt that a lot of the complaints  
22 and a lot of the things that the prisoners up to Attica  
23 said were wrong, were wrong. It definitely needed im-  
24 proving, but I don't think the way they went about it  
25 was the way to get it done, but that's a different

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1 opinion.

1126

2 Q What were the examples of complaints that you  
3 had sympathy with?

4 A Well, such things as--some of the more simple  
5 things--a guy comes up to me when I am on a gallery and  
6 he asks me for a roll of toilet paper. I have to tell  
7 him, "Go down to the desk, if they have any, you can  
8 have it. If they haven't, you can't."

9 It was the same way with clothes. A guy come  
10 up and asked me "If I can get a new pair of shoes. A new  
11 pair of pants, a jacket. Mine is old."

12 "Sure, I will send you over to state shop, and  
13 if they have any over there in your size, you can have  
14 them. If they haven't, you can't."

15 Q How did you first learn that Officer Quinn  
16 had died?

17 A The first time I had any recollection of hearing  
18 it was when Mr. Kunstler made the announcement Saturday  
19 afternoon or evening.

20 Q Were you able to at that point see the speakers,  
21 see Mr. Jones read the 28 demands?

22 A Yes.

23 Q And Mr. Kunstler make the announcement?

24 A We paid very close attention to what was hap-  
25 pening.

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2 of the announcement that Officer Quinn had died?

3 A Well, up until then there seemed to be, you  
4 know, as the security guards walked around us and as  
5 people milled around us talking, you could pick up pieces  
6 of conversation where inmates thought that they were  
7 definitely going to get something out of this and that  
8 there would be a negotiated settlement. After this the  
9 whole situation, the air of the situation, the feeling  
10 out in the yard went from optimistic to pessimistic.

11 Q Did you realize that amnesty had become the  
12 important issue?

13 A Yes, definitely. The inmates that were  
14 responsible for the riot, for everything in general, in-  
15 stead of having charges of, oh, assault, kidnapping,  
16 destruction of private property and stuff like this, they  
17 had a murder charge to face.

18 Q Was this discussed in the yard?

19 A Not openly on the loudspeaker system from the  
20 speaker's table, but it was definitely talked about. You  
21 could hear, as I say, pieces of conversation as people  
22 walked by or talk amongst our security people.

23 Q After the observers left the yard Saturday  
24 night, did the inmates continue to talk among themselves?

25 A Yes, they talked among themselves probably

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1 until three or four o'clock in the morning, I 1128

2 imagine.

3 Q What was the substance of the discussion that  
4 was taking place?

5 A Well, it was talk about, well, refusing the  
6 28 demands because the 28 without the last two were no  
7 good. As I say, they had the murder charge to face and  
8 so the amnesty and the transportation to a non-  
9 imperialistic country were more or less--they had to  
10 have them and not only for this, but a lot of the people  
11 that were serving lifetime sentences or 20, 30-year bids,  
12 this was their chance to get out of jail and probably  
13 one of their only chances they would have.

14 Q Did you have any sense of what the unity was  
15 in the yard?

16 A Well, up until Saturday night or Sunday morn-  
17 ing, it seemed to be really good. They constantly  
18 preached "There is no black, white or Puerto Rican out  
19 in this yard. We are all inmates. And we have to  
20 stick together as such. But after Saturday night, I  
21 don't know, it's just my feeling that through the conver-  
22 sations again, and through the people talking up on the  
23 platform, that they started to divide themselves not so  
24 much into racial sections as into sections that wanted to  
25 accept the 28 and those that did not want it because they

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1 couldn't get the last two.

1129

2 Q Did you have a feeling that inmates were be-  
3 coming more and more tense?

4 A Oh, yes, definitely. As time went on, every-  
5 body got more tense.

6 Q Including the hostages?

7 A Definitely.

8 Q Did you have any discussion with any inmate  
9 about inmates holding court in the yard?

10 A Yeah. One of our security men Saturday af-  
11 ternoon, he was standing there next to me and somebody  
12 was hollering over on top of the tunnel leading to B-  
13 block that this man didn't have a pass and I said to  
14 him at the time, "See, it's not as easy to run a big  
15 institution as you people seem to think it is. You  
16 throw your method of doing things down and then pick them  
17 right up again and you're running the yard the same way  
18 we run the prison.

19 Q What did you mean by that?

20 A They had passes to get from one area of the  
21 yard to another. They had certain areas where no in-  
22 mates could go without special approval. They had--they  
23 held court for fights and stuff like this. Right on  
24 down the line.

25 Q On Saturday night did any of the observers urge

1 acceptance of the 28 proposals?

1130

2 A Yes, several of them did. Mr. Kunstler did.  
3 Mr. Ives did. Mr. Emory. Several of them. They made  
4 the statements that this was as good as we could do, so  
5 accept it for what it is worth.

6 Q What conclusion did the inmates reach, as you  
7 observed them?

8 A They turned down the 28 because of the last  
9 two. If they had gotten--even if they had not had the  
10 28 demands, if Oswald--if they had just received the  
11 amnesty and the transportation to a non-imperialistic  
12 country, it would have been all over with.

13 Q Did you ever see a show of hands on how many  
14 people wanted to leave the country?

15 A Oh, yes. Many, many hands raised. A lot of  
16 guys looked at it as a chance to get out of jail.

17 Q Did you think it was a serious demand on the  
18 part of most inmates?

19 A Not really serious on most of them. For the  
20 long-time offenders, definitely it was serious. This  
21 would be their chance to get out of jail.

22 Q It was really a--your conclusion was it was  
23 really a demand on the part of lifers and people other--  
24 wise who would spend most of their lives in jail?

25 A Definitely.

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1 Q On Sunday, what was your mood and  
2 the mood of the hostages?

3 A Well, Sunday morning we just kind of sat  
4 around and thought to ourselves and then Sunday after-  
5 noon we kind of decided amongst ourselves it was about  
6 time we let people try to know how we felt.

7 Q Had you been consulted at all on the negotia-  
8 tions up to then?

9 A Nobody. Nobody talked to us about anything.

10 Q Had you spoken to Mr. Oswald?

11 A No. He wouldn't speak to us. We were the  
12 least of his problems.

13 Q Mr. Dunbar?

14 A Nobody. Nobody talked to us until the team came  
15 over that interviewed us Saturday evening, I guess it was.

16 Q Sunday evening?

17 A Sunday was it? You see, I don't even remember  
18 as to sometimes even days or hours when things happened.  
19 It all runs together so much it's hard to remember  
20 exactly when things happened.

21 Q You said you thought that it was about time  
22 that you told people how you felt. How did you all  
23 feel?

24 A Well, at the time if they would have granted  
25 the transportation to a non-imperialistic country, each

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1 one of us hostages would have paid one ticket,  
2 one airlines ticket for anybody that wanted to go. And  
3 as far as the amnesty goes, it was a small price to pay  
4 for our lives.

5 Q Sunday afternoon when you were interviewed  
6 when hostages were interviewed, was there any discus-  
7 sion among the hostages as to who should be the spokes-  
8 man?

9 A Yeah, we kind of batted it around a little  
10 bit and then finally decided that seeing the man that  
11 Mr. Cunningham, Sgt. Cunningham was such an outspoken  
12 person in every day work, that he should be the one to  
13 go up and speak.

14 Q What was Mr. Cunningham's relationship with  
15 inmates?

16 A Well, this is hard to say. A lot of the in-  
17 mates disliked the man, but a lot of the inmates dis-  
18 liked him and respected him. He was a hard sergeant.  
19 He had a hard job to do, but he did it well. He was  
20 already on both the officers and the inmates alike. If  
21 you were right, you were right. If you were wrong, you  
22 were wrong, and he let you know about it, believe me.

23 Q You worked for him in the metal shop?

24 A Yes, I did.

25 Q On Sunday afternoon the question was posed to

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1 the hostages being interviewed as to how they 1133  
2 felt about the Governor coming. How did you feel on  
3 that subject?

4 A Well, I don't know if he could have done any  
5 good, but it seems to me he could have had the common  
6 decency to come down and all of the hostages felt like  
7 this.

8 When he did not come, we did not figure he  
9 would come, but we kind of hoped he would.

10 Q When Sgt. Cunningham and the captain urged him  
11 to come, were they speaking for the hostages as a group?

12 A Yes, definitely.

13 Q After the observers left on Sunday, what took  
14 place? After the hostages had been interviewed, Capt.  
15 Wald had spoken and Sgt. Cunningham and several other  
16 hostages.

17 A Well, they had more speeches from the platform  
18 and--

19 Q What kind?

20 A I don't know. It come to me that they were  
21 just trying to keep morale up as a whole for everybody out  
22 in the yard. Speeches about disunity business again and  
23 we would have to--"If we have to fight, we'll fight. We  
24 would rather die like men than live like animals."

25 Q Were you told that if the state attempted to

1           retake the instituion by force, you would be           1134

2           killed?

3           A       Several times.

4           Q       Sunday night, what was the weather like?

5           A       Terrible. It rained all night long. I never  
6           spent such a miserable, cold, wet night in my life.

7           Q       Was any attempt made to give you shelter?

8           A       Yes, they built a platform over the top of us.  
9           Their intentions were good, but it was just like putting  
10          a sieve over the top of us. It leaked as bad as the  
11          rain would have been without it.

12          Q       Tell us what happened that morning.

13          A       Monday morning?

14          Q       Yes, sir.

15          A       Well, Monday morning, well, Sunday night, no-  
16          body went to sleep. Lucky if there was one or two of  
17          us that got any sleep Sunday night. Monday morning  
18          about 4:30, 5:00 o'clock, one of the security people  
19          that were guarding us got enough wood together and built  
20          us a fire and in groups of two, three and four we would go  
21          up to the fire and dry off as much as we could and then  
22          we would sit back down.

23                   Then after most of us got dried off, they  
24          counted us. This, itself, was the first time they done  
25          this. I don't know if they expected that any of us were

1 gone, that we would try to escape or something 1135  
2 like this through 1200 inmates, and the way they talked  
3 to us that morning, it was definitely a more hostile  
4 air than it had been up until then.

5 And then later on one of the leaders announced  
6 over the PA system that he wanted everybody over in the  
7 corner by the platform, that they had important business  
8 to discuss.

9 This business was the reading of the final  
10 ultimatum. They blindfolded us, they did not tie us  
11 up at this time; just put blindfolds on. They were  
12 about half way through the reading of the ultimatum by  
13 Mr. Oswald and this is when they tied us hand and foot  
14 and just left us there.

15 They took the covering down that they put up  
16 the night before. They read the final ultimatum. They  
17 had a vote on it, one of the leaders put it out over the  
18 PA system, "Do we accept the 28 demands, do we accept  
19 the final ultimatum by Oswald and live like animals or do  
20 we fight and die like men?"

21 And, of course, the final ultimatum was turned  
22 down. I remember hearing but one dissenting vote in the  
23 whole yard. Then, after they finished voting and every-  
24 thing, they started to separate us into groups. By this  
25 I was blindfolded and tied, but they would count a

1 certain number off and say "These people go  
2 here." They count some more off and they go there.  
3 And they just separated us into small groups. I, my-  
4 self, stayed right in the center of the yard where I  
5 had been all weekend.

6 The next thing that happened of any conse-  
7 quence is when the helicopters first come in and the  
8 tear gas, I started to smell the tear gas and the firing,  
9 the shooting broke out.

10 Q Was there anybody around you?

11 A Yes. Each one of the group of hostages that  
12 stayed there in the center of the yard was assigned an  
13 executioner....

14 Q What do you mean by an executioner?

15 A A man to kill him.

16 Q How do you know that?

17 A This is what they said. This is what the  
18 people said as they tied us up. "I am going to take  
19 him because I want him."

20 "I am going to take him because I want to cut  
21 his throat."

22 "I want to take him because I want to stick  
23 him."

24 Stuff like this.

25 Q Did you hear on Monday morning the voice of the

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---

1 man who had been with you, the security guard 1137

2 who had been with you all during this period?

3 A No. After they first tied us up, I did not  
4 hear him again at all.

5 Q Was anybody holding anything against you?

6 A They never put anything up to my throat, but  
7 the man that held me, hit me in the back two or three  
8 times with a pipe or a knife handle or whatever it was,  
9 I don't know.

10 Q When was that?

11 A This was after the tear gas started to come in  
12 and the shooting started.

13 Q Was there somebody who seemed to be in charge  
14 of the group?

15 A There was a sergant of the execution squad  
16 more or less.

17 Q That's what you are calling him. What did  
18 he say?

19 A He said "Keep it cool, we don't want these  
20 guys killed unless they kill one of us first."

21 Q And then you smelled the gas?

22 A Right.

23 Q You heard the helicopter?

24 A Right. And then the shooting started.

25 Q Then you got hit?

---

1 A Well, he hit me once and I went 1138

2 down. He picked me up again. He hit me again, knocked  
3 me down, picked me up again, and the last time I remem-  
4 ber going down is I went down, I felt his weight come  
5 down on top of me. Then I must have blacked out, be-  
6 cause the next thing I knew, a state trooper was pulling  
7 my blindfold off.

8 Q When he was picking you up, when you would  
9 go down and you would be picked up, what kind of posi-  
10 tion were you in?

11 A He changed my position. He would face me  
12 in different directions. Grab me by the shoulders and  
13 face me in different directions. I thought at the time  
14 that he was using me, putting me between him and where  
15 the concentration of firing seemed to be coming from.

16 Q Did you hear a lot of firing before you  
17 blacked out?

18 A Yes. When the firing first started, I thought  
19 they had mounted machine guns on the helicopters.

20 Q You had been in the service, so you could de-  
21 tect weapons. It was that intense you thought they had  
22 machine guns mounted on the helicopters?

23 A Definitely. I thought they had miniguns on  
24 the helicopters.

25 Q When you came to, you saw a state trooper?

1 A Right.

1139

2 Q Was there still firing going on at that time?

3 A Yes.

4 Q What kind of firing, if you could detect it?

5 A There was the definite chuck, chuck, chuck  
6 of the .45 caliber Thompson submachine gun and the  
7 definite bark of the 12-gauge shotguns.

8 Q Did you see any inmate resistance when your  
9 blindfolds were taken off?

10 A No, I did not. I did not see none whatsoever.

11 Q Could you see what people were shooting at?

12 A I couldn't see very well at all. I had tear  
13 gas in my eyes, mud in my eyes and everything.

14 Q Did you see whether any of the people around  
15 you had been hit?

16 A As the state policeman took off my blindfold,  
17 as I got up, I rolled over on my side and the man that  
18 had been assigned to execute me was laying there on the  
19 ground, and from the looks of it, he had received a load  
20 of buckshot from close range.

21 Q Were you then taken out of the institution?

22 A Yes. They helped me up onto the top of the  
23 tunnel and led me right out through A-block and out the  
24 door.

25 Q Were the other hostages who were next to you

1 also rescued?

1140

2 A There was a man by the name of Hardy on one  
3 side of me. I guess he was, I don't even know, and  
4 Larry Lyons was on the other side of me. He went to the  
5 hospital with me. None of the three of us were hurt.

6 Q You have given a lot of reflection to these  
7 events in the time that's elapsed. What do you think  
8 about the policy--what do you think should be done, if  
9 hostages are taken again?

10 A Well, I was one of the hostages. I spent five  
11 days out in the yard and I, even being out there, I would  
12 have preferred them coming in right away. That give days  
13 was just like five days spent in hell.

14 Q Do you think that there would have been less  
15 loss of life--and I know this is conjecture--but do you  
16 think there would have been less loss of time if they  
17 went in right away?

18 A I think so myself. Because the inmates were  
19 not as prepared as they were Monday morning. They did  
20 not have the number of weapons. They had not had all  
21 weekend to psyche themselves up to a fight, and it just  
22 wasn't as well organized as it was Monday, and they did  
23 not have the defense perimeters built up at Times Square.  
24 They did not have the tunnel dug. They did not have  
25 their canon made. They did not have the supposed Molotov

---

1 cocktails made, and I definitely think there 1141

2 would have been less loss of life and less grief all  
3 the way around, if they had come in right away Thurs-  
4 day morning.

5 Q Did you see inmates making weapons in the  
6 yard?

7 A Well, I couldn't see--well, I saw the man  
8 that was making the canon. I have been told that it  
9 would never have worked. All weekend over in the corner  
10 by the speakers platform you could hear the grindstone  
11 going, grinding out spears and knives and swords. This  
12 was going 24 hours a day for the full weekend.

13 Q Other than the tear gas gun, did you see any  
14 firearms in that yard?

15 A No, I did not.

16 Q During the period that you have been in the  
17 correctional service, have you been in situations in  
18 which you had to use force on inmates?

19 A Definitely. It's nothing that I like to do.  
20 It's nothing that I enjoy doing. I don't enjoy beating  
21 the tar out of any man, but I have--due to my size, I  
22 was one of the men selected in B-block that whenever  
23 there was trouble, Johnson and Jennings and Miller were  
24 there because we were the three biggest guys in the  
25 block.

---

1           Now, I have taken men out of their cells 1142  
2 before by force. It's never because I like to. If I  
3 have to take a man out of the cell, I tell him, "You  
4 can either come out walking or come out being carried.  
5 It's your choice. You make it."

6           If they come out, fine. That's less work for  
7 me and less chance of me getting my head cracked. If  
8 they don't, well, I have orders to take them out. They  
9 have to come out.

10           MR. LIMAN: I have no further questions.

11           MR. MC KAY: The questions from the  
12 Commission, Mr. Johnson, will begin with Mr. Henix  
13 at my left.

14 EXAMINATION BY MR. HENIX:

15           Q I don't have many questions. I just want to  
16 ask you what did you mean when you said the least of  
17 Oswald's problems was the guards.

18           A It seemed to me when I was out in the yard, just  
19 like it seemed to the--all the other hostages that no-  
20 body gave a fiddler's damn about us. That was just the  
21 impression, nobody cared about us, nobody come over to  
22 talk to us, except Dr. Hanson and the priest, and it just  
23 seemed to us that nobody give a--cared what happened to  
24 us. We were the least of anybody's problem. It seemed  
25 to us that way.

---

1 Q You also said when you first were  
2 brought into the yard, an inmate that had worked for you  
3 before did sort of try to give you some type of assis-  
4 tance by putting a stick within your reach so that when  
5 the state troopers came in, you could protect yourself to  
6 some degree.

7 A Yes.

8 Q Did you ever see this inmate again?

9 A I saw him two or three times later on that  
10 weekend as a member of our security force, but that's  
11 all.

12 Q He wasn't the guy who was assigned to you,  
13 though?

14 A No, definitely not.

15 Q So, could I assume from that that even some  
16 of the men that were on the security force were--basical-  
17 ly had some sense of justice, right and wrong?

18 A Yes, definitely. We wouldn't have been kept  
19 alive all weekend if they had not.

20 Q You were also saying that you felt that the  
21 inmates, one of the biggest grievances was the way the  
22 institution was run.

23 At the same time when their opportunity came  
24 to run the institution, they did it the same way?

25 A Yes.

---

1 Q So, would you say that that indicated 1144  
2 a degree of and an understanding of government or would  
3 you just say that they were just copying off the insti-  
4 tutional staff?

5 A I don't know for sure, but I think they found  
6 through talking with one of my security guards that they  
7 found that that was the best way to do it, with the type  
8 of situation they had.

9 Q It was a pretty good system, you would say,  
10 in view of everything that was going on?

11 A Yes, to a certain extent, yes.

12 Q And they can, to some degree, govern them-  
13 selves?

14 A Right.

15 Q If given the opportunity?

16 A Definitely.

17 MR. HENIX: Thank you.

18 MR. MC KAY: Mrs. Wadsworth.

19 EXAMINATION BY MRS. WADSWORTH:

20 Q I was very interested in your enthusiastic com-  
21 ment about the differences between the Attica situation  
22 and the new job in which you find yourself. Would you  
23 enlarge on that and describe a little bit more of the  
24 differences in the program and the days between the two  
25 institutions?

---

2 officers go, you have a younger caliber of inmate, a  
3 younger-aged inmate, a better caliber of inmate. They  
4 are highly screened before they can come to these  
5 camps. These camps are considered honor camps. And it's  
6 just-- they are a younger person. You can deal with them  
7 on their own level or you can deal with them on your level  
8 and they seem to pick it up, pick up the help you are  
9 trying to give them better.

10 As far as the inmates or the camp men, we  
11 call them camp men at camp, they are no longer inmates.  
12 For one thing, they don't receive no cell time. There  
13 is no cells. No locks, nothing down there, as far as  
14 the security goes. They can watch TV, they can play  
15 basketball, they can play pool right up to 10:00 o'clock  
16 at night or they can read or do anything they want. They  
17 get a chance for more fresh air, you might say, because  
18 they are working out in the woods. This is where they  
19 work.

20 It's hard to explain in some ways, it's just a  
21 better feeling, a better rapport between the inmate and  
22 the correction officer.

23 Q Is there some particular kind of educational  
24 program in this institution?

25 A Well, they have the high school equivalency

1 courses and correspondence courses through 1146

2 RCA down here in the city and through the community col-  
3 leges down here in the city. This is it, as far as  
4 education goes.

5 Q They do work with the community colleges?

6 A Yes, they can take correspondence courses  
7 through the community college and through--one of the  
8 big ones now is RCA down here in the city.

9 Q It seems to me if we pull away a little bit  
10 from the words "correction," which I think is a pretty  
11 big word when you start correcting people, and "re-  
12 habilitation," which means returning you to where you  
13 were, and I'm not sure that should be the goal either,  
14 that maybe a little attention to the education as the  
15 focus would be useful, and I have been wondering if we  
16 could be using the state university and--in the educa-  
17 tion program, so you are saying there is a little bit  
18 of this; is that correct?

19 A Yes.

20 Q You think this is something we should enlarge  
21 on and do more with?

22 A Definitely. It should be enlarged by at least  
23 a thousand per cent.

24 MRS. WADSWORTH: Thank you.

25 MR. MC KAY: Mr. Marshall.

---

1  
2 Q Mr. Johnson, how long did you say you were at  
3 Attica?

4 A I was at Attica probably a year and five  
5 months.

6 Q You knew a number of the inmates there?

7 A Yes, definitely.

8 Q Could you tell me whether in your judgment--I  
9 knwo this isn't a very precise question--but were there  
10 inmates that you knew at Attica that would be qualified  
11 through behavior and temperament to be in an institution  
12 like the camp you are in now?

13 A Yes, quite a few of them.

14 Q Going to the time when you were seized, you  
15 said you were marched through B-block and down the  
16 tunnel through Times Square and down into D-yard and  
17 you spoke of being struck on that march by inmates.

18 A Yes.

19 Q About how many inmates do you think there  
20 were along that corridor--was that in the corridor  
21 between B-block and Times Square?

22 A Yes. It's hard to say, really. I wasn't pay-  
23 ing as much attention to the inmates standing there as  
24 I was to my footing. Over in the shop, they told us  
25 to take all our clothes off, so I went right to the let.

1 ter of the rule and took my shoes and socks 1148  
2 off and there was broken glass and nails and all this  
3 down through the corridor, so I wasn't worrying as much  
4 about the inmates standing along besides me as I was  
5 what I was walking on.

6  
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10 (continued on page 1149)  
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1 Q Was it your impression they were 1149  
2 there just for that purpose or that they were there  
3 and you came along and they hit you just---

4 A I don't think they were lined up for that  
5 purpose, really. They were there just because---half  
6 the time they didn't have no place else to go.

7 Q Just one other question, Mr. Johnson: At  
8 the time that the ultimatum was read, Mr. Oswald's  
9 ultimatum was read on Monday morning, is it your  
10 impression that the inmates believed it, that is,  
11 they believed if it was not accepted there would be  
12 force and firearms used on them?

13 A It's just my opinion, but I don't think the  
14 inmates ever believed that when and if the State  
15 troopers came in, they would come in with firearms.  
16 I believe they thought that the State troopers would  
17 come in similar to the way they quelled the riot up  
18 in Auburn with night sticks and tear gas.

19 I don't think they expected the fire arms.  
20 Just through their defenses that they had built up  
21 all weekend, the defenses they made up could have been  
22 a help with just plain hand-to-hand combat, but for  
23 firearms, they were just completely ineffective.

24 MR. MARSHALL: Thank you.

25 BY MR. WILBANKS:

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2  
1 Q In relation to the time when you 1150  
2 were being struck in the corridor, were inmates speak-  
3 ing to you as they were striking you? Was there any  
4 type of verbal abuse associated with this?

5 A Oh, there was comments, "Now it's our turn.  
6 Pig. You have had the course, pig. I'm going to get  
7 you now, pig. I'll teach you for keeplocking me,"  
8 and stuff like this.

9 Q Were there other inmates trying to stop the  
10 inmates who were striking you, saying, "Hey, lay off"?

11 A No, not until we got out into the yard.

12 Q You saw several being struck.

13 What type of weapons and on what area of the  
14 body are you talking about?

15 A Sgt. Cunningham was hit in the back of the  
16 head with a pipe. Larry Lyons was struck across the  
17 back of the shoulders with a baseball bat and the guy  
18 that was hitting me was hitting me with a pipe.

19 Q On where, what part of your body?

20 A Shoulders, across the back of the legs,  
21 across the shins.

22 Q But all you got to the yard under your own  
23 power; is that correct?

24 A Oh, yes. Yes.

25 Q You mentioned sort of in passing and perhaps

1 we should explore this since part of our 1151  
2 mandate is to determine why the riot ensued. That is,  
3 you mentioned you felt it was planned.  
4

5 Could you give us some suggestion as to why  
6 you believe this, what evidence you have for this?

7 A Well, no real evidence. Just my thinking  
8 on the thing from the way the security force was set  
9 up out in the yard. The quickness of getting the  
10 sheets and clothes for us. The quickness of getting  
11 the PA system set up for the speaking platform and  
12 different things like this.

13 Q There weren't comments by inmates that led you  
14 to believe this?

15 A No. Not really.

16 Q I talked with several officers and one thing  
17 I sort of asked by accident once and I want to explore  
18 with you.

19 I asked some of the officers who were standing  
20 around all day Saturday, what if right now the inmates  
21 accept those 28 demands and they released the hostages,  
22 how would you, as a correctional officer at Attica,  
23 feel and I want to describe what several of them said  
24 to me and I want to see how you react to that.

25 I think it's understandable and I want to get  
your reaction as a hostage and also a correctional

4  
1 officer. I think they are two different 1152  
2 viewpoints, nevertheless.

3 I said--their answer was in response to that  
4 question, well, I really feel for the hostages and yet  
5 in another way I would really feel bad if the inmates  
6 agreed because once they accept these 28 demands, that  
7 sets a precedent and in a sense they said, then they  
8 will be running the institution. Any time they want  
9 anything in the future, they will simply take a  
10 hostage and I don't think I can work here and I'll  
11 quite if those 28 demands are accepted.

12 First of all, as a correctional officer, how  
13 do you react to that and, secondly, as a hostage?

14 Aside from the fact now that you are a  
15 hostage, as a correctional officer, can you understand  
16 their viewpoint?

17 A As a correctional officer, in my own way of  
18 thinking, I think it's a lot of logwash. The accept-  
19 ance of the 28 demands would have improved the life  
20 of an inmate in prison, so, therefore, it would have  
21 made my job easier.

22 You can improve living conditions in a  
23 prison and working conditions, improve the educational  
24 programs and still have good security.

25 Q I think what my feelling was, the officers

---

1 were not objecting to the fact that reforms 1153  
2 should be made, but in these circumstances, this is  
3 the way the reforms were obtained.  
4

5 Do you understand what I am after?

6 A Yeah, yeah.

7 Well, that might have been, as you say, a  
8 precedent, but if there is no other way to get them,  
9 that's the way they got them, so you would have to go  
10 by it.

11 Although there were supposedly a lot of  
12 things that Mr. Oswald was trying to change that just  
13 needed time and money.

14 Q One hostage has left the impression that  
15 when Sgt. Cunningham got up to speak, that actually  
16 he was chosen for a particular reason, that it might  
17 have been a coded message that here was a real tough,  
18 hard-line guy and if he got up and said, don't let  
19 the troopers come in, they would all understand that  
20 was really a message saying the opposite, saying come  
21 in and get us out.

22 Did you have any knowledge of such a plan,  
23 if such a plan existed?

24 A No.

25 Q To put him up?

A None whatsoever.

---

1 Q And finally, one last question: My 1154  
2 understanding of the question of the ultimatum vote  
3 that the inmates put before the group, it sort of  
4 sounded as if it were loaded in the sense that  
5 what do you want to do, do you want to live like  
6 animals or do you want to die like men.

7 Was it put in that phraseology or---

8 A Almost exactly that terminology, that usage  
9 of words. That was almost word for word what one  
10 of the men said.

11 MR. MCKAY: Mrs. Guerrero.

12 BY MRS. GUERRERO:

13 Q I was going to ask you the same thing that  
14 my colleague asked about, did you think it was pre-  
15 organized, prearranged so that you answered it.

16 You knew that amnesty, that doesn't mean  
17 commutation of sentence.

18 Do you think that all inmates knew that, too?

19 A Well, I am pretty sure, just from knowing  
20 the different jailhouse laws and the, some of the  
21 highly educated people out there that they realized  
22 as a whole group that this would not change the sentence  
23 they already had but I don't think they were as worried  
24 as much about changing the sentence they already has  
25 as to getting more time added on to what they already

1 did have.

1155

2 Q Right. So that you feel that they all knew  
3 that?

4 A I think so.

5 Q That is why you feel that amnesty and going  
6 to another country was very important because those  
7 people have long sentences, thought that way they could  
8 get away with it?

9 A Yes.

10 Q Well, we have heard some people say that  
11 they didn't think that was serious at all but because  
12 of that, of course, you could answer--do you feel  
13 that any country, imperious or not, would accept  
14 criminals as guests?

15 A Well, there might be some countries that  
16 would have accepted them, but in a few of these cases  
17 if these inmates had gotten over there and started to  
18 perform as they had in the past here in this country,  
19 they wouldn't get a chance to go to prison, they  
20 would go to the graveyard.

21 Q In other words, you don't think that any  
22 country will accept them, though?

23 A There might be some countries that would  
24 have accepted them just for the fact of adverse  
25 publicity against our system.

1 Q Oh, I see.

1156

2 Do you feel, Mr. Johnson, that a guard 40  
3 years old with about 20 years experience in the  
4 places like Attica or the other correction--so-called  
5 correction places in New York State, would act and  
6 feel the way you do in this--in the type of prison  
7 you are now working?

8 A Yes, I think so.

9 There are the few and far between guard  
10 that has the authority and enjoys using this, but  
11 when I say few and far between, I truly believe that  
12 these type of officers are the acception and not the  
13 rule.

14 A lot of them would definitely enjoy working  
15 in the camp like I do. As you work there, the longer  
16 you work there, the more enjoyment or the more likability  
17 of the work you're doing comes in to you because the  
18 longer you work there, the more dealings you have  
19 with the kids and the better you realize the situa-  
20 tions is.

21 MRS. GUERRERO: Thank you.

22 MR. MCKAY: Mr. Rothschild.

23 BY MR. ROTHSCHILD:

24 Q Mr. Johnson, you said earlier that you  
25 agreed in response to a direct question from Mr. Liman,

1 Q Oh, I see.

1156

2 Do you feel, Mr. Johnson, that a guard 40  
3 years old with about 20 years experience in the  
4 places like Attica or the other correction--so-called  
5 correction places in New York State, would act and  
6 feel the way you do in this--in the type of prison  
7 you are now working?

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15 in the camp like I do. As you work there, the longer  
16 you work there, the more enjoyment or the more likability  
17 of the work you're doing comes in to you because the  
18 longer you work there, the more dealings you have  
19 with the kids and the better you realize the situa-  
20 tions is.

21 MRS. GUERRERO: Thank you.

22 MR. McKAY: Mr. Rothschild.

23 BY MR. ROTHSCHILD:

24 Q Mr. Johnson, you said earlier that you  
25 agreed in response to a direct question from Mr. Liman,

1 that you agreed fundamentally with him of 1157  
2 the demands, that you thought they represented  
3 necessary change, but not in the method that was used  
4 in attempting to obtain them. I can understand that.  
5

6 But my curiosity is, I would like to ask  
7 you some options. Assuming that you did agree with  
8 what was trying to be done and not on how it was  
9 done, I'm just trying to explore, what were the other  
10 ways of getting it done and did you think within the  
11 institution and the Correctional Department what the  
12 likelihood was of obtaining it some other way?

13 I have jotted a few down. I probably missed  
14 a good many. I said one is through management of the  
15 Correctioi Department itself, through expert penologies,  
16 commissions, et cetera.

17 There had been some of those, I guess, over  
18 the years. Has that method been productive within  
19 the Department of Correction in obtaining some of  
20 these things that were presented at the uprising?

21 A Well, as far as I know, it must be, because  
22 even as bad as it supposedly is, prison life now is  
23 much, much better than it was 20, 25, 30 years ago.

24 Q You mean it has improved?

25 A It definitely has. YOu talk to some of the  
older officers or some of the older lifer inmates and

1 they will tell you that 20 years ago if 1158  
2 you did something like that instead of getting a  
3 keeplock, you get your head busted.

4 It's now in the prisons today where you very  
5 definitely hesitate to use physical force for any  
6 reason at all.

7 Q It's encouraging, it's almost--it's the  
8 first time we have heard that things have improved.

9 A Well, a lot of people may not agree with  
10 it but it is the truth.

11 Q We talked, particularly in Rochester, we  
12 haven't talked down here much, but there was a good  
13 deal of conversation with some of the correction  
14 officers about the role of rehabilitation and their  
15 involvement in it and how it was to be brought about.

16 I wanted to explore that with you a little  
17 bit. It has nothing to do with your hostage.

18 Who in your estimation at Attica, if I  
19 understood right, I came in a little bit later in  
20 your testimony, you were in the crating area of the  
21 machine, of the metal shop.

22 Did you have a role there in some fashion  
23 that was to rehabilitate the people with whom you  
24 were to work and if so, in what fashion did you  
25 visualize it?

---

1           A     About my main role in the crating           1159  
2 department, like it is in the metal shops or out at  
3 the farm, is not so much as trying to teach the  
4 inmate something as for security purposes.

5           The civilian foremen that are in charge of  
6 the particular different area are more, have more to  
7 do with showing than teaching the inmate how to do  
8 something than we do.

9           Q     But the role of that whole metal shop was  
10 the rehabilitation then was in the new trade, if you  
11 will, or in the use of what skills could be mustered.

12          A     Yes.

13          Q     Because we have had some conversations  
14 that part of rehabilitation was talking to the  
15 inmates, trying to change their point of view, trying  
16 to get--often quoted was trying to understand their  
17 problems and help them with their problems.

18                Was this a role that you viewed? Because  
19 obviously--I suspect from what you said this is a  
20 little bit of what you are doing now.

21                Was this a role you thought you could play  
22 in Attica at all?

23          A     Well, you could talk to guys up at Attica  
24 and get their point to views, their outlooks, and you  
25 could give them yours and you could sit there and

---

1 debate about the subject and try to change 1160  
2 their way of thinking, but it was just due to the--  
3 I don't know what it was due to, but it was far from  
4 easy to change anybody's point of view on life or  
5 anything else.

6 I, myself--I consider myself one of the  
7 newer breed of correction officers and--because I'm  
8 younger. I have different outlooks. I have out-  
9 looks on different things much the same as a lot of  
10 the inmates do.

11 But still, it is hard in that atmosphere  
12 for me to really talk to a guy, get to know him,  
13 know his problems, know his thoughts on life and try  
14 to help him sort them out and get them in the right  
15 perspective.

16 Q You don't find that try in the farm?

17 A No, definitely not. It's so much of a more--  
18 well, if you want to put it in a simple form, a boy  
19 scout camp atmosphere.

20 Q I don't want to draw from what's a very  
21 short conversation and certainly not a theory on any  
22 conclusions that don't make sense.

23 Let me try one on you and see if you will  
24 buy it.

25 Would you say that the--I am thinking that

1 you are saying that the role, your role at 1161  
2 least, as you viewed it and I guess you are one of the  
3 new breed from the way you talked about the whole  
4 problem, your role and ability and factor of re-  
5 habilitation as a correction officer in Attica was  
6 pretty small?

7 A Definitely.

8 Q Let me ask you one other question: If  
9 not you, who, who would, in fact, do rehabilitation  
10 in Attica if you, when you were symptomatic of other  
11 correction officers, felt you couldn't do it or didn't  
12 have an opportunity to do it, how was rehabilitation  
13 to be effected there?

14 A Well, I guess the general thinking was  
15 that the rehabilitation process was performed by  
16 teaching the people good work habits, giving them  
17 a chance to learn some type of trade, if not a new  
18 trade, any of the shops or mechanics or the farm.

19 This is about it. Giving them a chance,  
20 some a chance for some type of educational programs.

21 Q I guess repentance?

22 A I guess so. Just being there locked away.

23 Q Let me ask you one other thing, which is  
24 a different area entirely.

25 You said that you felt that most of the

1 inmates had no realization that the troopers 1162  
2 were going to come in blasting as they did.  
3

4 Do you think if they had known that, I think  
5 you said if they had known that, that their response  
6 to Commissioner Oswald's ultimatum might have been  
7 different.

8 While you were in the yard, did you hear  
9 anything said by the observers or anyone else that  
10 in any way perhaps helped the inmates to understand  
11 that that could very well be the way the troopers  
12 were going to come in?

13 A I don't remember hearing anything from any  
14 of the observers on how the State troopers were going  
15 to retake the place.

16 No, I don't remember any at all.

17 It might have--definitely, it would have  
18 changed a lot of the people's way of thinking. They  
19 wouldn't have been so ready and willing to fight if  
20 they had known they were going to be fighting guns  
21 with clubs.

22 Q Let me ask you that, the final question:  
23 Do you think you have heard anything from the observers  
24 that brought about the opposite reaction, that things  
25 were going to be better than they were, in fact?  
An encouragement to resist rather than an encourage-

1 ment to face what might come?

1163

2 A No, not really an encouragement to resist.  
3 But when the information was brought in Saturday  
4 afternoon that Officer Quinn had died, this definitely  
5 gave the inmates, certain inmates in particular, a  
6 stronger reason to fight for the amnesty and the  
7 transportation to a non-imperialistic country.  
8

9 MR. ROTHSCHILD: Thanks very much.

10 BY MR. MCKAY:

11 Q Mr. Johnson, I was interested in your  
12 description of the organization of the societal life  
13 in the yard. You spoke about passes required to get  
14 from one area to the other and I presume also to get  
15 out of the yard itself.

16 The restricted areas, at least for some  
17 inmates, the court and so on, that's a fairly elaborate  
18 structure to be set up on short notice.

19 Did you have any impression of how it was  
20 done? I am not asking, of course, for the names who  
21 set it up. But how large a leadership group made those  
22 decisions? Could you tell how it was being formulated  
23 and how it was enforced?

24 A Well, I don't know how they come about it,  
25 who was responsible, how many, but they set it up  
rather quickly.

---

1 I don't know if they had any long- 1164  
2 range plans after they took the prison over Thursday  
3 morning, but it did not take them long to get their  
4 leadership together and get decisions made pertaining  
5 to security and our welfare and food and medical  
6 help and stuff like this.

7 Q You spoke about a few of the decisions  
8 having been made by the group that were in the yard  
9 as a whole, votes on simple questions, how hard they  
10 were to decide, but I gather that many of these other  
11 decisions were in a sense executive decisions made by  
12 a few people.

13 Do you have any idea of how large the  
14 leadership corps was and how it was organized?

15 A Not that I--I don't know, but there was  
16 supposed to be representatives elected from each  
17 block to go -n the main committee and if that would  
18 have been the case, there would have only been five  
19 leaders, because there is only A, B, C, D and E-block  
20 in the prison so that would have been five, but they  
21 had a lot more than this, so I don't know they broke  
22 it down other than the five people that were originally  
23 supposed to be there.

24 Q You also spoke about the 28 points that were  
25 negotiated and which the Commissioner agreed. You

1 said that if they had been accepted and 1165  
2 put into effect, life would have been better for the  
3 inmates and, therefore, easier for you and your  
4 fellow correction officers.  
5

6 We have been told that since no agreement  
7 was reached between the inmates and the prison admini-  
8 stration on those 28 points, the administration, of  
9 course, did not feel bound to anything that had been  
10 negotiated as they thought under duress.

11 We have also been told that very few of  
12 those negotiated points have been put into effect  
13 since that time.

14 Would you think it would be desirable for  
15 the prison now to put into force most of those points?

16 A It's bound to, especially now after the  
17 riot, they should be put into effect even more so than  
18 they should have before, because prisoners now have  
19 a much more hostile feeling than they did before,  
20 knowing it was bad enough before but now it's even  
21 increased.

22 I think they should put the 28 demands into  
23 effect and I think it would definitely help.

24 MR. MCKAY: Thank you.

25 I understand that Commissioner Henix  
has another question.

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BY MR. HENIX:

1166

1  
2 Q My question is along the lines that  
3 Walter has already touched on.

4 You had said that in the old days in the  
5 prison system, like clubs was trumps. That's the way  
6 it was at Attica?

7 A Right.

8 Q But these things have changed and in  
9 questioning the other prison officials we asked them  
10 if they had any idea of a goon squade or what a goon  
11 squade consisted of and what they said, well, it  
12 would be impossible to really put a good squad together  
13 because we couldn't afford to have guys sitting around  
14 drinking coffee waiting for something to happen so  
15 they could beat them up.

16 You did say you were one of a group of  
17 three officers, part of your responsibilities were  
18 based on size, was to go into these inmates' cells  
19 and bring them out if you were ordered to do so.

20 Is it possible that that team could qualify  
21 themselves as a goon squade?

22 A Well, yes, if you want to put it that way.  
23 I could consider myself as part of the goon squad  
24 but let me add this: That I don't, because it was  
25 always as far as I could let it go, it was the inmates'

1 choice. If he wanted me to act like a goon, 1167  
2  
3 I very definitely could and if he wanted to act like  
4 a man and allow me to act like a man, it was his  
5 prerogative.

6 Q There have been charges also brought to  
7 this Commission that, I don't know, everybody is  
8 saying I imagine if you go into a guy's cell and you  
9 bring him out, the responsibility however you bring  
10 him out, it's up to you to get him up to HBZ where  
11 he could be confined.

12 A Right.

13 Q Everyone says that this is a rumor that when  
14 an inmate gets on one of those elevators and they  
15 stop them in between the floors and do him over lightly.

16 A Well, now, as far as I know, I have never  
17 seen it. I have never participated in it. Correction  
18 officers are just like police, just like anything else.

19 You get your certain people in there that  
20 get the authority, they get enjoyment out of beating  
21 the hell out of an individual. Now, I don't.

22 There are correction officers that are  
23 like this. They should definitely not be in the  
24 place of authority they are in.

25 What can you do?

MR. HENIX: Thank you, sir.

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1  
2 you have a question?

3  
4 MR. WILBANKS: Yes.

5 BY MR. WILBANKS:

6 Q You mentioned that the groups in the yard  
7 as you saw it were not divided into black and white  
8 but more along the lines of one group wanting to  
9 accept the 28 demands and one group that didn't  
10 want to accept it.

11 I know you didn't get a lot of contact with  
12 inmates because you were protected, but could you tell  
13 us how the security guards, the fellows--did you  
14 discuss this question, did you ask them how do you  
15 feel about it, do you think they ought to accept the  
16 28 and what do you think their view was, the security  
17 people you had contact with?

18 A I talked to several of the security people  
19 on different occasions, because several of them I  
20 knew. They had either worked for me or I had some  
21 kind of contact in the prison with them and quite a  
22 few of these were definitely willing and ready and  
23 wanted to go along with the 28 demands.

24 Q What was the problem, then, did they feel  
25 like their voice was not heard, they were in the  
minority, or they couldn't get their view across to

---

1 the leaders? Why? Why did they say that 1169  
2 their view was not put into action?  
3

4 A I don't really know.

5 Q They did support the leaders?

6 A They supported their leaders, yes, and  
7 there was a certain--a definite number of the leaders  
8 that wanted to go along with the 28 demands but the,  
9 apparently the other faction that didn't had more  
10 power or more influence or what have you, out in the  
11 yard.

12 MR. MCKAY: Mr. Liman has a question.

13 BY MR. LIMAN:

14 Q On this question of planning that you dis-  
15 cussed, Mr. Johnson, without mentioning names, some  
16 of the people who emerged as spokesmen for the inmates  
17 actually worked in the metal shop where you worked;  
18 am I correct?

19 A Yes.

20 Q And is it also correct that until the inmates  
21 broke in from the outside, these inmates who were in  
22 the metal shop made no effort either to take you  
23 hostage or to open the door leading to the outside?

24 A This is true.

25 Q And I take it that if the inmates from the  
outside could reach in and turn the lock to open the

1 door, that the inmates from the inside could 1170  
2 have done the same with about the same degree of non-  
3 resistance, given the situation?  
4

5 A A little bit easier. They didn't have to  
6 break the window to reach in.

7 Q On the death of Officer Quinn, which you  
8 said you learned of when Mr. Kunstler announced it  
9 on the loud-speaker, there was a television set that  
10 was on in the yard in the corner; am I correct?

11 A Yes, I guess it was on.

12 Q But you could not hear the television set?

13 A Right. I couldn't hear it or see it most of  
14 the time.

15 Q You also talked about the fact that based  
16 on the Auburn experience, inmates may have had reason  
17 to expect that the troopers would come in with clubs.

18 In Auburn, is it the fact that that's the  
19 way the State police did some in with clubs and with-  
20 out shouting? Is that what your understanding was?

21 A Yeah. Yes.

22 Q There were inmates in that yard, in fact,  
23 inmates who spoke who--

24 A That participated in and were leaders.  
25 Auburn riot.

Q And their experience, therefore, would have

1           been with non-lethal force in breaking up           1171  
2  
3           riots?

4           A     Right.

5           Q     Finally, this is just by way of statement,  
6           the man who you described as being the sergeant or  
7           corporal of the so-called execution squad around you  
8           and whose name we will not mention, died of multiple  
9           gunshot wounds in the area around the hostage circle.

10           I thought I ought to state that for the  
11           record.

12                   MR. McKAY: There is a final question,

13           Mr. Johnson, from Mr. Rothschild.

14           BY MR. ROTHSCHILD:

15           Q     Mr. Johnson, in the course of questions  
16           I asked you a moment ago, you impressed me as being  
17           extraordinarily candid in a lot of areas in which we  
18           have not always been able to sense whatever is meant  
19           by the answers.

20           I would like to impose on your candor a  
21           little farther.

22           We have had in the course of these discussions  
23           allegations made that there is never in the history  
24           of the penitentiary been any brutality of any kind.

25           We have statements made that a very large  
percentage of the inmates are beaten up in the course

1 of their life there.

1172

2  
3 You indicated a moment ago there were some  
4 officers that enjoyed exercising authority in a  
5 physical fashion.

6 Would you characterize to the amount of  
7 this kind of activity that you viewed within Attica.  
8 Did it happen often, did it happen once a year, did  
9 it happen to one inmate, did it happen to 20?

10 I don't want to put words in your mouth. I  
11 want your characterization as how you viewed the  
12 physical aspects of restraint in the prison.

13 A I can't really put a certain amount on it.  
14 I know from working day shift that there is a certain  
15 number of men, say per week, taken up to HBZ. I don't  
16 think that all of them that are taken get the hell  
17 beat out of them.

18 I really don't believe this. As I say,  
19 there are certain officers and other officers know  
20 it as well as inmates, that enjoy doing this.

21 As to the number, you might say three-quarters  
22 to a half a dozen, three-quarters to a dozen, excuse  
23 me. The amount.

24 I don't know. I really don't. I have never  
25 myself, I have never seen unnecessary brutality.

Now, I have seen what you might want to call

---

1 brutality. I call it necessary force. I 1173  
2 have seen it used. I have used it myself.  
3

4 But as to unnecessary brutality or un-  
5 necessary usage of force, I have never seen it. But  
6 it is there. I'm not a hypocrite enough to say that  
7 it isn't because I know it is and the inmates do, too,  
8 and they know the officers that enjoy this just as  
9 well as--as much as I do and so do other officers  
10 know it.

11 Now, by way of thinking of the officers  
12 that--well, a psychopath or whatever you want to call  
13 them, should not be an officer. This is definitely  
14 true.

15 But some of them have been there for so  
16 long that nobody even realizes they're there.

17 MR. ROTHSCHILD: Thank you.

18 MR. McKAY: Mr. Johnson, you have been  
19 very helpful.

20 You now may, if you wish, make a state-  
21 ment to the Commission and the public on any-  
22 thing relating to the whole situation that you  
23 think we should be made aware of.

24 Is there something you would like to  
25 say?

THE WITNESS: There is a couple points

1 I would like to bring out.

1174

2 This morning I sat here listening to  
3 the speaker this morning blame, putting blame  
4 where blame goes. He gave this one description  
5 of the trip up to Clinton.  
6

7 Earlier, before that, he made a state-  
8 ment or strated to make a statement about some-  
9 body accused him and the State Legislature and  
10 Governor Rockefeller of being to blame for the  
11 prison system as it is, because of the lack of  
12 funds.

13 He didn't answer this. He asked the  
14 question and kind of slid it off to the side  
15 and didn't say anything more but I would like to  
16 ask him right now where does some of hit lie.

17 They promised us so much after the  
18 rioid. They were going to give us so much,  
19 equipment, training. They were going to give  
20 clothes to the inmates and stuff like this.

21 So what do they do? They, in turn,  
22 cut the Correction Department's budget. Lord  
23 knows that there are a lot of things in the  
24 prison that are wrong, definitely. I'm well  
25 aware of this.

But a lot of these things can be linked

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27  
1 back directly to the almighty dollar. 1175

2  
3 The Department of Correction has  
4 always been low man on the State budget. Until  
5 this is corrected, there isn't a whole heck of  
6 a lot the correction officer or the prison  
7 administrator can do.

8 He cannot give these guys what they  
9 want if he has not got the money to either pur-  
10 chase it or what have you. They blame the correc-  
11 tion officer for the lack of clothes, the lack  
12 of toilet paper, the lack of yard time and it's  
13 not our fault.

14 There is nothing we can do about it.  
15 If I was a millionaire I might go out and buy  
16 some clothes for some of these guys that really  
17 need it, but I'm not.

18 Another point to bring out is he  
19 mentioned, or it's mentioned and I heard it so  
20 much that I am sick of it, was this brutality.

21 It is really truthfully the rare  
22 exceptions rather than the common fact. It's just  
23 wrong. When I took the job as a correction  
24 officer, believe it or not, and I didn't believe  
25 it at the time, I actually lost friends because,  
well, a correction officer is an animal.

---

1 He goes up to the prison every 1176  
2 day just to beat prisoners and stuff like this.  
3 This does not happen. I want to make this as  
4 clear as I possibly can and it's totally wrong  
5 and to go along with this brutality thing, the  
6 speaker this morning mentioned the atrocities  
7 that were committed to inmates upon the resecuring  
8 of the prison.  
9

10 Well, I would have liked to have him  
11 be out there in the corner of the yard that  
12 morning treating officers and these civilians  
13 that were brought over there. Guys covered with  
14 blood from the top of their head to their feet.  
15 Guys covered--guys with their jaws smashed,  
16 broken arms, dislocated shoulders, broken hands,  
17 smashed fists.

18 One officer had his ear literally  
19 ripped off the side of this head. If this isn't  
20 brutality, what is it?

21 That's all I got to say.

22 MR. McKAY: Thank you, Mr. Johnson,  
23 for being with us.

24 (The witness was excused.)

25 MR. LIMAN: Mr. Kunstler.

W I L L I A M K U N S T L E R, called as a