

Excerpts From Report of Commission Studying

SEPTEMBER 13, 1972

Origin and Aftermath of Attica Riot

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Following are excerpts from, the 514-page report of the New York State Special Commission on Attica:

In prison, inmates found the same deprivation that they found on the street: Meals were unappetizing and not up to nutritional standards. Clothing was old, ill-fitting, and inadequate....

To get along in the prison economy, inmates resorted to "hustling," just as they had in trying to cope with the economic system outside the walls.... Above all, for both inmates and officers, "correction" meant an atmosphere charged with racism.... In the end, the promise of rehabilitation had become a cruel joke. If anyone was rehabilitated it was in spite of Attica, not because of it.

Contrary to popular views, the Attica uprising was neither a long-planned revolutionary plot nor a proletarian revolution against the capitalist system. After talking with inmates, correction officers, administrators, observers and experts, and after much reflection the commission has concluded that:

¶ Rather than being revolutionary conspirators bent only on destruction, the Attica rebels were part of a new breed of younger, more aware inmates, largely black, who came to prison full of deep feelings of alienation and hostility against the established institutions of law and government, and with an enhanced self-esteem, racial pride and political awareness, and an unwillingness to accept the pretty humiliations and racism that characterize prison life.

¶ Like the urban ghetto disturbances of the nineteen-sixties, the Attica uprising was the product of frustrated hopes and unfulfilled expectations, after efforts to bring about meaningful change had failed.

¶ The uprising began as a spontaneous burst of violent anger and was not planned or organized in advance....

¶ The highly organized inmate society in D-block yard developed spontaneously, after a period of chaos, rather than by prearrangement....

In reaching these conclusions concerning the causes of the uprising, the commission nevertheless condemns the taking of hostages as a means of bringing about changes in society, even where peaceful efforts at reform have failed. Whether carried out in a commercial jetliner or in a prison, the holding of human lives for ransom is wrong and only leads to more violence and to a backlash that makes change more difficult.

Almost all correction officers interviewed by the commission said that no riot plan of any kind had been communicated to them and the great majority said that no plan ever existed. There had

never been any drills for correction officers or any training session on how to handle a prisonwide disturbance. As a result, they were forced to rely on the gates. When Times Square [the junction of two buildings in the center of the prison compound] fell, the authorities were, for all practical purposes, paralyzed.

The negotiations were not planned — they just developed. When the Commissioner [Russell G. Oswald] first arrived, the police were

not prepared to retake the prison. By the time sufficient assault forces had been summoned, the negotiations were under way and the Commissioner chose to continue them, reluctant to the end to undertake any action which would imperil lives.

Many inmates were fearful of mass prosecutions which would catch in their dragnet even passive participants in the uprising. These fears were played upon by inmate orators, particularly after the death of Officer

William Quinn, who had been struck in Times Square on Sept. 9.... The Governor stated that he did not have power under the Constitution to grant the inmates amnesty, and that as a matter of principle he would not have granted amnesty even if he could....

The commission agrees that complete amnesty for crimes such as assault and homicide should not have been granted in the circumstances of Attica. The commission believes, however,

Attica inmates holding blindfolded hostages in "Times Square," junction of four catwalks in the prison's center, minutes before the assault to retake the facility. These official police photos were not part of the special state commission's report but were made available by the commission to Bantam Books, Inc., for publication today in a book containing the report.





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After the shooting stopped, dead and wounded men lay on the catwalks as efforts to resecure the prison continued. The commission said that inadequate planning for medical treatment resulted in some of the wounded not receiving any until about four hours after the assault.

that prosecution could have been waived for lesser crimes, such as taking hostages without harming them. But that alternative was not sufficiently explored by either side.

Following the session with the observers on Sunday evening, Oswald telephoned the Governor. Oswald testified — concerning this call:

"I suggested that it might be appropriate for someone as warm and understanding as Governor Rockefeller to walk that last mile and come, although I went on to express the view that I didn't feel that it was going to be productive."

No one can be sure whether the Governor's presence would have succeeded in producing a settlement that had eluded Oswald and the observers. Present or not, the Governor was unwilling to

grant amnesty, the critical inmate demand. Nevertheless, the Governor's decision not to go to Attica has tended to overshadow all other issues as a subject of public debate.

The commission can readily understand why the Governor was unwilling to go to Attica prior to Commissioner Oswald's request on Sunday evening. The Governor's presence could have undermined Oswald's authority in dealing with the observers and inmates. But when the Governor refused Oswald's request that he come, he was spurning the recommendations of the man on whom he had relied to bring about a peaceful resolution, and departing from his usual policy of giving full support to his appointee.

The commission does not underestimate the problems that would have faced the Governor had he gone to Attica. The observers stated to the Governor that they were asking only that he meet with them—not with inmates. But it is probable that the presence of the Governor at Attica would have precipitated a demand by inmates that he enter the yard. The pressure would have been intense, as the Governor's refusal to comply with the request could have been characterized by inmates as indication of bad faith, precluding a peaceful settlement and jeopardizing the lives of hostages.

A Difficult Decision

Recognizing that the decision was not an easy one for the Governor to make, the commission nevertheless believes that conditions made it appropriate for the Governor to go to Attica.

At the time of the uprising, the Governor realized that the prison system had long been neglected and was in need of major reform. Many of the inmates' grievances were acknowledged to be legitimate by both the Commissioner and the Governor. In such circumstances, where state neglect was a major contributing factor to the up-

rising, the commission feels that the Governor should not have committed the state's armed forces against the rebels without first appearing on the scene and satisfying himself that there was no other alternative and that all precautions against excessive force had been taken.

It is possible that even without a grant of amnesty, the Governor's presence at Attica would have overcome inmate mistrust of the state's commitment to reform and induced acceptance of the 28 points. Some inmates have expressed this view to the commission.

Officers' Reactions Cited

But even if a settlement were not achieved, the commission believes that the presence of the Governor would have had a stabilizing effect on the troopers and correction officers taking part in the assault and rehousing of inmates, many of whom were bitter toward Commissioner Oswald for his negotiations with the inmates, but respectful of the Governor.

Finally, the commission believes that the Governor should, at the very least, have accepted the "modified proposal" presented to him by his aides late Sunday night—that he offer to go to Attica to negotiate further on the 28 points if the inmates would first release the hostages and then return to their cells.

By these conclusions the commission does not mean to suggest that the Governor's failure to appear at Attica was the cause of the deaths and casualties that followed. Full amnesty was the paramount issue at all times and there was no evidence before the Governor that the inmates were prepared to accept less. However, even if one could be certain the Governor's appearance would not have led to a settlement, the gravity of the situation warranted the Governor's presence before the decision was reached to commence the assault.

Conclusions Summarized

In summary, the commission believes that the Governor should have gone to Attica, not as a matter of duress or because the inmates demanded his presence, but because his responsibilities as the state's chief executive made it appropriate that he be present at the scene of the critical decision involving great risk of loss of life, after Commissioner Oswald had requested him to come.

Although high - ranking state officials from several agencies were on the scene at Attica, the entire planning of the police action to retake the institution was left to the local state police troop commander. In devising the tactical plan, he could use only the personnel and equipment available to the state police and did not have the benefit of advice or review by civilian or military authorities....

The assault planners acknowledged that they did not possess the capability of reaching the hostages in time to save their lives, if the inmates were in fact set upon

killing them. Since there could be no certainty of saving the hostages, in reality the first priority in drafting the assault plan was to minimize the risk of injury to the assault forces themselves.

There was no effective commander-in-chief; there were only department heads. No one was responsible for seeing that everything was done, and many things were simply left undone. Such problems, for instance, as control of firepower, evacuation and medical care of injured, returning inmates to cells, and the notification of the next of kin of fatalities were considered only as they arose, and entirely too late.

In essence the police used what was available. Although the scatter pattern of buckshot was well known, no efforts were made to obtain carbines or other rifles. Surely none of the planners could have denied, had he been asked at the time, that the use of shotguns not only increased the risk, but virtually assured the death or serious injury of innocent persons in the congested confines of D-yard.

Most of the top-level administrators interviewed by the commission were asked who they thought was responsible for seeing to it that medical care was provided for wounded inmates. The responses varied, but all of them can fairly be characterized as passing the buck.

Having failed in their responsibility to prevent reprisals, correction and police officials took no steps to identify and discipline those involved.

If a riot does occur, the following principles, derived from the failures at Attica, commend themselves not as rigid rules, but as general guidelines for conducting negotiations:

¶When to negotiate: If the prison can be retaken immediately without lethal force, the authorities should do so....

¶Neutral Ground: The commission believes that negotiations conducted before hundreds of inmates are not likely to be productive....

¶The Press: The presence of television cameras and the press has a tendency to encourage rhetoric rather than serious concessions.... To maximize chances of agreement, negotiations must be conducted privately without the presence of the press but with appropriate briefings to the press.

¶Observers: The commission believes that direct negotiations between inmates and the state are preferable to the use of outsiders. However, if outsiders are required in the negotiations, their function and authority must be clearly defined and agreed upon by them.

¶Clear Warning: Before terminating negotiations and commencing an assault, the inmates must be made to understand that the alternative to a settlement is an armed assault with guns....

¶Mistrust: The state negotiators must be ever mindful that the gulf of mistrust between the inmates and authorities is not easily bridged, and that setbacks in the negotiations are inevitable. Patience is essential.