

"The situation at present is rather fluid indeed. All we received were promises of change. . . ."

So wrote Inmate 22480 at the Attica Correctional Facility on Wednesday, Sept. 8, to John R. Dunne, the chairman of the Committee on Crime and Correction of the

*This article was prepared by Joseph Lelyveld, Francis X. Clines, Michael T. Kaufman and James M. Markham.*

State Senate. Inmate 22480 was Herbert X. Blyden, a Black Muslim who 13 months earlier had been a leader of the prisoners' revolt at the Manhattan Men's House of Detention, known as the Tombs. Now he signed himself "Minister of Information for the Attica Liberation Faction."

The situation, apparently, was more fluid than even Blyden suspected, for a few hours after his diplomatically worded plea for a visit to Attica by Senator Dunne had been dispatched, a chance misunderstanding occurred in a yard that was to lead directly to a mass insurrection by inmates at the maximum security prison.

## **A Misunderstanding Sparked Uprising Where 41 Died**

By the time the letter arrived at its destination, the four-day revolt had reached its bloody climax with the loss, finally, of 41 lives.

### **Sources Are Cited**

To investigate persistent rumors and fill in large gaps in what has been known about the Attica events, The New York Times has attempted to piece together a chronological account through interviews with legislators, inmates, lawyers, doctors, negotiators and others and by examining tapes, films, letters and notebooks from inside the prison. Numerous requests for interviews with state officials—in Governor Rockefeller's office, the Department of Correction and the state police—were all turned down.

The misunderstanding in a yard that Wednesday afternoon occurred at about 3:45 P.M. as the yard was filling with inmates returning from work stints. The usual cliques

formed in the usual places, with some men playing cards and others watching television.

Off to one side, a white inmate, Ray Lamorie, said to be a defensive coach for a prison football team, was showing a young black inmate named Leroy Dewer some linemen's moves and feints.

To Lieut. Richard Mulrooney, a seasoned correctional officer who had just stepped through a door in the yard wall, it looked as if the two prisoners were fighting. An inmate who was there described what happened next:

The officer, he said, approached the black man from the rear and placed a hand on his shoulder. Acting apparently on instinct, Dewer spun around and struck the guard—a breach of prison order so stunning that activity in the yard froze almost instantly and all eyes turned to the three men.

The lieutenant, with three other officers now backing him up, ordered Dewer out of the yard—to "the box," or segregation, the other

Continued on Page 44, Column 1



Bill Whiting

Inmates in the yard at the Attica Correctional Facility before negotiations broke down

prisoners assumed — but Dewer wandered away into a crowd of inmates that encircled him protectively.

Lamorie angrily started protesting Dewer's innocence. "Get your hands off me!" he yelled at a guard who tried to quiet him.

Deciding not to press the issue for the moment, the guards moved away. Someone shouted after them: "If you take those guys out tonight, we'll take this prison off you."

Two hours later, after the inmates had been "locked in," guards summoned Dewer and Lamorie from their cells on 3 Gallery and 5 Gallery of A block (one of five cellblocks at Attica). Soon a rumor that the two inmates had been beaten was carried by an inmate returning late from a clerical job and began spreading through A blocks 12 galleries.

**Thursday morning** at about 10 minutes before nine, when they were on their way to the mess hall for the second breakfast sitting, the men of 5 Gallery—neighbors of the white inmate, Lamorie—burst into rebellion. Among them was a Black Muslim minister who would later emerge as a leader of the rising, Richard Clarke.

Surging into a vestibule on the main floor of their cellblock and a passageway that runs through the yards, the inmates easily overpowered the five guards they found in their way. An inmate who looked on saw one guard clinging to the gate of the vestibule, holding himself upright as the inmates beat him fiercely.

The uproar in the vestibule could be seen plainly by a guard who was protected by a series of electric gates that he controlled. "Help! Help! They need help in A block," he shouted into a phone.

By this time, rebel inmates had stormed the 100 yards down the narrow passageway to "Times Square," the critical intersection where the four yards meet. There a single guard was on duty at



a manual gate that always was left open during the breakfast hour.

#### Quinn's Skull Fractured

The guard, William Quinn, was unable to secure the gate against the inmates. As he was subdued, his skull was fractured in two places.

Having taken Times Square, the inmates had easy access to B, C and D cellblocks. Raiding parties moved off in three directions. Behind B block was the metal shop—a factory where prisoners manufacture office furniture—which became a prime objective.

Sgt. Edward Cunningham, who was to die four days later in the police assault, locked the doors of the shop to keep the raiders out. It took only a few moments, however, for the doors to be forced open. At that point, Herbert X. Blyden—who already had a 72-count indictment against him for his role in the Tombs rising—was working in the rear of the shop.

Not all inmates were eager to be "liberated." In 12 gallery of A block, a group of 30 prisoners—blacks as well as whites—obtained a set of keys and locked themselves into their cells. Rebel inmates, armed with pipes and razors, found another set of keys and opened the cells, announcing in tones that did not invite disagreement: "Everybody's going down to D yard."

Four hours later, when a detachment of state police resecured A block, seven inmates were found hiding under bunks.

Artie Weber, a convict who had served 11 years of a 30-year sentence for armed robbery, had a parole hearing coming up in two weeks and was eager to disassociate himself from the uprising. Seeing the inert form of William Quinn and noticing that he was bleeding from the ears, Weber suggested to Richard Clarke that the guard be turned over to the authorities because his life was in danger.

Together, Weber and Clarke then carried the officer's body on a mattress to a gate that separated rebel territory from the rest of the prison. When the gate was opened, Weber slipped through.

Clarke and Blyden—Brother Richard and Brother Herb as they would be known for the rest of the weekend—had by this time assumed positions of authority among the rebel inmates massing in D yard by a process of spontaneous suffrage, with each cellblock putting forward its own nominees for leadership. Clarke was in Attica on a four-year sentence for robbery; Blyden's conviction for armed robbery carried a 15-to 20-year term.

A rough social order was created. Particular hostages had been sought out by inmates with scores to settle and beaten severely. A guard named Richard Lewis, whose arm was fractured, was a particular target. The beatings stopped as security guards were selected from the cells and posted over the hostages who had been stripped, bound and blindfolded, but assured that their guards were there to protect them.

Warnings were issued against drug abuse and ho-



mosexuality and a kind of secretariat was established at tables near the D block wall to draft manifestoes.

Some of the inmates were old hands at manifestoes. At the start of July, a statement of 27 demands—covering the grievances that were to be aired again—had been sent to the new Commissioner of Correction, Russell G. Oswald, by the group calling itself the Attica Liberation Faction. The grievances touched on medical care, work conditions, censorship, diet, parole procedures and religious expression.

In response to the manifesto and reports of deepening tension, Mr. Oswald spent two days at Attica, interviewing inmates and making a broadcast appeal for patience so that he would have time to usher in the new era of reform he had promised the prisons of the state. Now, seven days after he flew out of Attica, the Commissioner returned to take charge in the emergency, confident at the start that his reputation as a reformer would be decisive with the inmates.

He arrived at 2 o'clock and a half hour later allowed Herman Schwartz, a law professor in Buffalo, 40 miles away, who had been active in prisoners' rights suits, and Arthur O. Eve, a black Buffalo Assemblyman, to go into D yard to hear the inmates' demands. They returned say-

ing the inmates wanted to deal directly with the Commissioner.

Mr. Oswald was initially reluctant and was strongly urged to shun any negotiations with the inmates by aides who warned him also that he would make an especially valuable hostage. But finally he said, "I'm going in."

### Courage Is Hailed

Mr. Schwartz, thinking that a violent confrontation had just been narrowly averted, was both relieved and impressed. "It took guts of a very high order," he said.

The Commissioner responded favorably to many of the prisoners' demands at their initial confrontation, but, to his surprise, they hardly seemed to take note of his responses. "Herman," he said to Mr. Schwartz as he left the yard, "this may last into the night."

Television cameras and newsmen were present for the second meeting and the inmates, elaborating on their demands, appeared to be speaking as much to them as to the Commissioner, who became something of a dramatic foil for their grievances and rhetorical flights. Mr. Oswald also found himself performing for the cameras.

At the climax of an impassioned plea to the prisoners to free the hostages, he was interrupted by a TV crewman who said, "We had a bad angle. Could you repeat that?" And he did.

### Two Solutions Suggested

It was at this point that the basis of the inmates' skeptical response to the Commissioner first became clear. In the yard were a number of prisoners who had been transferred from the state prison at Auburn after a one-day uprising last November. They reminded Mr. Oswald that the hostages there were released on a promise of "no reprisals" on which the authorities then reneged.

"I heard about that," said the Commissioner, who took office two months after the Auburn incident. "Now we're talking about a different situation. Many of you have said that you have confidence in my sincerity."

But the Commissioner's hopes that his prestige would bring a quick settlement were dashed by a prisoner who said: "These ain't going to be no fast negotiations. We know you can play games, but you are not going to play games and find any hostages alive. Mind you, we are ready to die."

Two ways out of the impasse were suggested by inmate spokesmen at the Thursday evening session. First, they demanded that a group of outsiders whom they could trust—among them William M. Kunstler, the civil rights lawyer; Huey P. Newton of the Black Panther party and

Minister Louis Farrakhan of the Muslim Mosque in Harlem—be brought to Attica. Second, they asked for a Federal Court injunction barring "physical and mental reprisals" for the rising.

In an extraordinary session—the only one to take place outside rebel territory during the revolt—an inmate leader, Roger Champen, a convicted robber known as Champ, sat down that night in the office of Superintendent Vincent R. Mancusi with Mr. Oswald and Mr. Schwartz to work out the wording of the injunction. Before returning past the cordons of heavily armed state troops to D yard, Champ was offered a cup of coffee. He refused.

Next morning, Mr. Schwartz returned with the signed injunction and it was promptly torn up by jailhouse lawyers who declared it inadequate. Now the possibility of a negotiated settlement hinged on the outsiders the inmates had requested, for after being threatened at his third meeting with the inmates, on Friday, the Commissioner decided not to go back to the yard.

"Does anyone know where we can find William Kunstler?" asked T. Norman Hurd, the first of Governor Rockefeller's aides to arrive on the scene at Attica, as the round-up began.

Going beyond the prisoners' list of outsiders, other aides in the Governor's office in New York were on the phone to individuals the state wanted to see on the committee.

The only Puerto Ricans requested by the inmates were the Young Lords. Robert R. Douglass, the Governor's secretary, invited Representative Herman Badillo and asked him to bring another Puerto Rican who could "relate to the more radical groups." Mr. Badillo made a couple of calls before finding someone he thought fitted the bill—Alfredo Mathew, a school superintendent from Manhattan.

### An Uninvited Visitor

One outsider was invited only by himself, managing the feat of gate-crashing a maximum-security prison in a time of crisis. This was Jaybar Kenyatta, who later volunteered the information that he had spent 21 years in mental institutions.

Dressed in flowing robes and a turban, he attached himself at Buffalo International Airport to Jim Ingram, a black journalist from Detroit, requested by the inmates. A state police car had been sent for Mr. Ingram. Mr. Kenyatta went along for the ride, then passed with perfect self-assurance through the ring of security guards at the prison's entrance. Twice he was to make incendiary speeches to the inmates.

Prison officials had been expecting Minister Farrakhan as a representative of Elijah Muhammad's Nation of Islam, to which a number of black inmates belonged. Mr. Kenyatta, who had no association with that sect, said he was a Muslim.

The prominence of Muslims in the rebel leadership led black negotiators, such as Assemblyman Eve, to cite Minister Farrakhan's refusal to come to Attica as a major setback for the hope of a negotiated settlement. The Muslim leader had served as an intermediary in the uprising at the Queens House of Detention in October, 1970. City officials say inmates there reneged on an agreement he worked hard to secure.

The arrival of the crazy-quilt panel raised the spirits of the inmates who interpreted their ability to command the appearance of designated outsiders as proof of the strength of their bar-



gaining position. But the mood of euphoria was laced with feelings of anxiety and even terror.

Friday afternoon a white television reporter from station WGR in Buffalo, Stewart Dan, was interviewing two white inmates about the origins of the revolt. Suddenly they were interrupted and the inmates, Barry Schwartz and Kenneth Hess, were summoned to the tables where the leadership gathered.

#### A Jail Within A Jail

The inmates were questioned about what they had been saying. Only gradually did it dawn on Mr. Dan that a tribunal was in progress.

"Guilty!" one juror said.

"Treason!" said another. None dissented from the adverse judgment. The two inmates were stripped and blindfolded, then led away into cells in D block.

By this time a third inmate was in the jail within a jail. Michael Privatera, a convicted murderer who was recognized by the inmates as

a "looney," had been wandering around the yard hitting fellow prisoners with a nightstick and menacing the hostages.

That evening, Sam Melville, the radical bomber who at that point had less than three days to live, scrawled a letter that was "kited out" of the prison yard by a negotiator. "Agincourt, Evening around the campfire," it was dated.

The letter read: "Power People! We are strong, we are together. We are growing. We love you all . . . Ho, Ho, Ho Chi Minh. Please inform our next of kin."

While the leaders concentrated on shoring up the organizational structure they had improvised, other inmates in the yard were free to wander. Some filled pillowcases with cigarettes and cakes from the looted commissary and carried them across C yard—a no man's land—to A block, where inmates still under control had been locked in cells on the ground tier.

Under the gaze of armed state troopers who had turned the cells on the upper tiers into outposts, they passed their booty through the bars and also reported on developments in the yard.

"I'll remember you when we go in there," a trooper shouted angrily.

"I'll be waiting," a man from D yard retorted, unimpressed.

#### Resentment Apparent

As the hours ticked away, the resentment of the troopers and guards over the restraints that had been placed upon them became almost palpable, a force with which Commissioner Oswald would have to reckon. Later on he would describe himself as being "besieged" by calls from correction officials in other prisons and other states asking, "How much longer are you going to endanger correction officers' lives?"

Friday night—while the observers were in D yard compiling a list of the inmates' demands—the Governor's secretary, Mr. Douglass, and Almerin C. O'Hara, a retired general who runs the state's Office of General Services, arrived at Attica. They were never to take ul-



timate responsibility from Commissioner Oswald, but from then on, the lines of command were blurred.

After the observer committee left the yard, it caucused in the cramped quarters that had been allotted to it, the stewards' room on the second floor of the Administration Building. The issue of amnesty on criminal charges arising from the rebellion itself, the committee quickly agreed, was the largest obstacle in the way of a settlement.

Shortly before dawn, a three-man committee was appointed to confer on the issue with the District Attorney of Wyoming County, Louis James. Two members of the committee were lawyers, Clarence Jones, publisher of The Amsterdam News, a veteran of the civil rights struggle in the South, and Julian Tepper of the National Legal Aid and Defenders Association. The third was Tom Wicker, columnist for The New York Times.

Mr. James at first was adamant: he could make no commitments. But over a pancake breakfast at his Warsaw residence, his attitude softened.

#### Demands Became Proposals

"We talked philosophical concepts. We asked him to go to the outer limits of the discretion of his office," Mr. Jones said later. "In the end, he signed a statement that Frank Hogan, the most powerful District Attorney in the state, would never have signed."

That statement, drafted cooperatively by the four men and typed by Mr. Wicker, promised there would be no "indiscriminate mass prosecutions." The committee was delighted with the statement, but when it brought the letter back to the stewards' room, Mr. Kunstler argued that it should not even be presented to the inmates because it would serve to "legitimize" any indictments brought by Mr. James. Finally it was agreed the statement would be presented without comment.

A whole afternoon and part of an evening would pass before that happened as the committee—first on its own, later in consultation with Mr. Oswald—fashioned the inmates' original demands into proposals the state was willing to accept.

Major concessions were made, but sometimes they were heavily qualified. For instance, the inmates had demanded: "End all censorship of newspaper, magazines, let-

ters and other publications coming from the publisher."

As amended, this became: "End all censorship of newspapers, magazines, and other publications from publishers, unless there is determined by qualified authorities . . . that the literature presents a clear and present danger to the safety and security of the institution. . . ."

Unknown to the observers, while these negotiations were taking place, those around the Commissioner favoring armed intervention were unexpectedly presented with new information they could use to bolster their arguments.

It came late that afternoon from a black inmate who used a steel pipe to fight his way through surprised rebel security guards into A block, which was held by the state police. Correction guards fired tear gas into the pas-



sageway behind him to cover his flight.

After that, officials would sometimes indicate to panelists that they had independent sources of information about conditions in the yard, about the inmates sharpening poles into spears and digging trenches. "We have our ways," the officials would say.

As the hours wore on inconclusively, rumors of atrocities by the rebels gained wide currency among guards, troopers and even high officials. The most lurid of these—the rumor that a hostage had been emasculated—was heard and believed as early as Saturday. Three days would have to pass after the rebellion was put down until the rumor was finally discredited.

Dr. Warren Hanson, a surgeon from the town of Warsaw who had been making daily visits to D yard, heard Saturday night from Mr. Douglass, Commissioner Oswald and his deputy, Walter Dunbar, a report that inmates had forced two hostages into a bathroom, thrown wood in after them and set it on fire. "I told them that was nonsense," Dr. Hanson said.

That same evening Dr. Hanson had himself been menaced and briefly detained by an inmate leader. He also described what he interpreted as a pattern of "psychological deterioration" of the prisoner population.

Two inmates suffered fits that evening, two more collapsed from nervous pressure and another went rigid in what appeared to be a catatonic state. One elderly black prisoner wandered aimlessly around the yard clutching a crucifix and moaning, "They're going to kill me."

A one-armed Puerto Rican attempted suicide with a knife and had to be restrained by the leader known as Champ. The Puerto Rican

inmate and others were placed in a makeshift mental ward set up by the leadership in its tent city, where some were injected with sedatives taken from the prison hospital.

To the correction officials, D yard seemed to be veering toward bedlam.

#### 21 Hours Elapse

Meantime, at 4:30 P.M., in Rochester General Hospital, Mr. Quinn—the guard with the fractured skull—suddenly went into a state of cardiac arrest and died. Now the thorny amnesty issue was complicated by a likely homicide charge, which could carry the death penalty.

More than 21 hours—a period of gnawing uncertainty for the rebels—elapsed from the time the observers left D yard Friday night till they reappeared Saturday night at 9:30.

Their arrival had been delayed by initial objections from Mr. Douglass to the admission into the prison of Bobby G. Seale, the chairman of the Black Panther party, who had flown in from Oakland, Calif., to stand in for his comrade, Huey Newton. Mr. Kunstler had led the other observers to hope that the Panther leader's endorsement of the proposals fashioned that afternoon would be decisive with the inmates.

Privately Mr. Kunstler hoped that his influence would be decisive with Mr. Seale, for he believed that a settlement on the basis of the proposals—qualified as they were—would represent "a great political and moral victory" for the inmates.

But the one Seale appearance in D yard proved an anticlimax. Staying for less than 10 minutes and speaking for only three, Mr. Seale said only that he had to leave to consult with Mr. Newton, but that he would return in the morning.

Leaving the darkened yard to a languid chorus of "Right on's," he was met by Commissioner Oswald, who

thanked him formally for taking the trouble to come. Close behind Mr. Seale came eight members of the observers' committee, including most of those elected officials the state authorities were disposed to regard as trustworthy.

"When Seale left, I left," said Senator Dunne, "because frankly I saw him as

my ticket to getting out of there." The Garden City Republican, who had not slept for 38 hours at that point, told state officials that the mood in the yard had turned ugly.

Back in the yard, the delicate and potentially risky task of presenting the District Attorney's letter and the qualified proposals fashioned during the afternoon fell to Clarence Jones, who began his remarks with a homily on politics as "the art of the possible."

#### 'Best Possible' Package

Mr. Jones said he could neither recommend nor guarantee this package, but he stressed again and again his conviction that it was the "best possible."

"I knew goddam well," he said later, "that if a settlement were broken off, they were going to come in there and mow these people down." But even as Mr. Jones was speaking in the yard, he recalled, he could "sense" that some of his fellow observers were busy at the tables behind him talking down the proposals as "a sell-out document."

The inmates massed in the darkness behind the row of security guards were invisible to the speaker. When Mr. Jones was done, the silence with which they had listened to him was shattered by emotional denunciations of the promises he had brought. Mr. Jones and other observers felt personally threatened.

"That trip into D yard was a real mindblower," said Lawyers Guild, who was Lawyers Guild who was there.

William Kunstler returning from seeing Mr. Seale off, took the microphone in his hand. It was, he said, "a moment I dreamed."

The night before Mr. Kunstler had agreed to serve the inmates as their legal counselor. Now, speaking in that role, he echoed Mr. Jones. "It's the best we could do," he concluded. "If you say it's not good enough, it's your life and your decision."

#### Hopes Rest on Seale

To the rebels, this marked round one of the negotiations. "Go back and do better," the observers were told as they left. But to the state, word that the inmates had not accepted the package was a signal that the negotiating committee could virtually be counted out.

The committee's dwindling hopes now rested, briefly, on Bobby Seale, who it was wishfully expected, might be ready to put the Panther imprimatur on the proposals when he returned. Instead Mr. Seale arrived in a forlorn drizzle at 8:30 Sunday morning with a prepared statement that made no mention of any of the 28 proposals.

#### Demand Not Recorded

The statement stressed a demand Mr. Kunstler had not even taken down Friday night when he recorded the prisoners' wishes because he regarded it as basically un-serious—the demand for safe conduct to a “nonimperialistic country.”

Commissioner Oswald was reluctant to allow the Panther leader back in the yard unless he promised to speak on behalf of the list of 28 demands. Mr. Seale, affronted, turned on his heel and left, followed by Mr. Kunstler.

“If they're not ready to urge acceptance,” Clarence Jones exploded as the door shut, “then let them give their agenda of death.”

Now, in its one hour of unanimity, the committee was seized with a vision of a massacre of hostages and



inmates both, which only a providential intervention could avert. In this mood, they felt they had two duties: first, to tell the inmates what Mr. Kunstler, back in the room, termed “the absolute, utter truth as to what their situation is,” and second, to buy time by appealing to Governor Rockefeller to travel to Attica to confer with the observers.

Their premonition, based on military preparations they could plainly see through the window of the stewards' room, was correct. At that point, a decision had already been made to storm D yard Sunday afternoon and quash the rebellion.

This was later confirmed by a number of sources. Commissioner Oswald himself, ac-

ording to Representative Charles B. Rangel, Democrat of Harlem, later told members of the House Select Committee on Crime that an attack was delayed at the last min-



ute because of the observers' pleas.

Shortly after 1 P.M., the Commissioner told the observers he was drafting an ultimatum to the rebels and that no members of the committee would be allowed to re-enter D yard under any circumstances.

Desperate now, the observers decided to call the Governor directly. Senator Dunne had a private number, but doubted that a call placed in his name would be accepted. Everyone agreed that Mr. Wicker, as a columnist, had the best chance of getting through.

For the next 40 minutes—while Mr. Wicker, Mr. Badillo, Mr. Dunne and Mr. Jones were on the phone to Pocantico Hills—orders positioning state troopers within the prison were crackling over the police radio, fire hoses were being pressurized and traces of CN gas wafted across the lawn in front of the prison.

The Governor took the view that he could do nothing to break the deadlock on the amnesty issue. Despite pleas from the observers that time might make a difference, he held to a literal interpretation of the rebel position that the issue was “non-negotiable.”

That the phone call was unsuccessful was made clear within minutes as Mr. Oswald reappeared in the stewards' room with a copy of the ultimatum he had already sent to the prisoners. A parenthetical phrase in the statement ruptured the fragile unity of the committee and uncapped some of the emotions these exhausted

men had been struggling to hold in check through the long, tense weekend. That phrase was a description of the 28 proposals as “the recommendations of the committee.”

“Man, you've just signed my death warrant,” shouted Assemblyman Eve, who thought the phrase implied that the committee had joined in the ultimatum, betraying the inmates' confidence. Finally the Commissioner gave way before the abuse of the committee and agreed “against the advice of every adviser in the state,” he said—to one last visit to the yard.

#### Waivers Are Signed

For the first time, he made the observers sign waivers relieving the state of any responsibility for their death or injury in the yard.

It had been more than 16 hours since any observers were in the yard and the inmates were edgy. The leaders were still eloquent on the theme of unity, but back in the crowd fears of reprisals were overcoming the thin hope for tangible gains.

Resentments surfaced and, as Assemblyman Eve feared, these resentments focused on the observers and the reference to them in the Commissioner's statement.

“There's guys in there who'd love to kill you,” Brother Richard said as he led the visitors through the no man's and of A yard to the door in the wall. There they were halted, to be led through the door in pairs with long, unexplained intervals between each closing and opening of the door.

Mr. Kunstler stood shoulder to shoulder with Mr. Kenyatta who, he said, “recited the Korean vigorously.” The lawyer had a fantasy of death, which he later described: “I had visions of guys having their throats cut as they went through the door. The men were so frustrated and bitter, I felt they had already condemned us.”

Instead of carrying out their earlier resolutions to be brutally candid with the prisoners about the military preparations now actively underway outside, the frightened observers allowed themselves to be swept along into an emotional discussion—one that had more to do with the reveries of desperate men in confinement than any negotiable proposals for reform.

“How many tickets are you going to be able to get?” a prisoner asked, resurrecting the demand for passage to a “non-imperialistic country.”

"As many as we can," Mr. Eve retorted to cheers.

Picking up the theme, Mr. Kunstler began: "There are four Third World and African country people across the street from this prison prepared to provide asylum for everybody who wants to leave." In fact, he was referring to Black Panthers from New York, led by Afeni Shakur, who had awakened him that morning

at the Treadway Inn in nearby Batavia.

The negotiations leading to the visit and the visit itself had consumed three hours. By the time the observers left the yard, rain had begun and the light was failing. There could be no assault until morning.

"We have given the Commissioner our answers and the next move is up to him," Brother Richard said to the departing observers. "Anything that results will be the result of the Commissioner moving, not us."

Earlier that afternoon, a guard watching D block which was entirely in rebel hands, saw an inmate he recognized appear at a third-floor window.

As the account has since been repeated by prison officials, the guard heard the inmate shout: "They're cutting my throat!"

The inmate was Kenneth Hess, a convicted robber and one of the three men arrested by the rebel leadership on Friday. As the guard watched, so the account goes, Hess then climbed down to the second story on bars that run vertically along the face of the building. There he was grabbed and pulled back into the cellblock.

Monday morning his body was found there with more than 30 stab wounds and his throat cut. Nearby were the bodies of Barry Schwartz and Michael Privatera, the convicted murder, showing the same pattern of multiple wounds. It was an unusual pattern, according to Dr. Michael Baden, assistant medical examiner in New York who inspected the bodies—a pattern that is generally associated with a certain kind of psychopathic rage.

Rumors current in the prison later attributed the slaying of Hess and Schwartz—an alleged informer—to an attempt on their part to smuggle a message out to prison officials. This account, which goes on to ascribe the actual stabbings to a group, explains neither the unusual

pattern of wounds nor the death of Privatera.

As originally drawn up, the plan for Monday morning called for an assault with no further warning to the inmates. The hope was to exploit the element of surprise to minimize loss of life among the 38 hostages who, the authorities were convinced, had only the slimmest chance of survival in an assault.

"There was absolutely no doubt in anyone's mind that if we went in there, the guards would be killed," declared Assemblyman Clark Wemple, chairman of the prisons subcommittee who had driven Commissioner Oswald to Batavia the night before and had been present for some of the final strategy sessions.

What finally outweighed this grim assessment were the conviction among the authorities that they had exhausted all acceptable options, a fear that the Attica rebellion could become epidemic in prisons throughout the state and nation, and the insistence of the tormented guards and townspeople that the time had come to "get it over with."

Finally, with Senator Dunne arguing that the inmates had to be given a last chance to free the hostages, a decision was taken to re-issue Sunday's ultimatum, this time with a short one-hour time limit.

The ultimatum gave no hint of the type of force that was about to be applied. Rebel leaders had often expressed a willingness to die, but many inmates in the yard thought that gas, clubs, fire hoses and rubber bullets were the worst they had to fear.

But even that fear was not rampant Monday morning. "We thought we were safe as long as we had those correction officers," recalled one militant black who was in the yard that morning.

Flourishing their trump card, inmates led eight hostages—now bound and blindfolded—to the catwalk atop Times Square. Rebel leaders, in a hurried and haphazard fashion, had put each hostage in the charge of individual inmates. "Give me one," volunteers had cried.

Removed from this scene, in the Superintendent's office several hundred yards away, Commissioner Oswald asked for the last time: "Do you see any way we can avoid doing this?" Superintendent Mancusi and several Republican legislators were in the room. None answered.

As soon as an Army CH-34 helicopter made the first of three low sweeps over D yard to drop its cargo of choking gas, active command passed from the Commissioner to the state police.

Four inmate eyewitnesses to the assault—two in the yard and two who were locked in cells that gave them a clear view of the action—described what happened.

A blond hostage, a knife held to his throat by his inmate guard, shouted on command, "I want to live!"

"Louder!" his guard coached him.

"I want to live!" he now screamed.

Just as the gas began to take effect, troopers on the

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Continued from Preceding Page

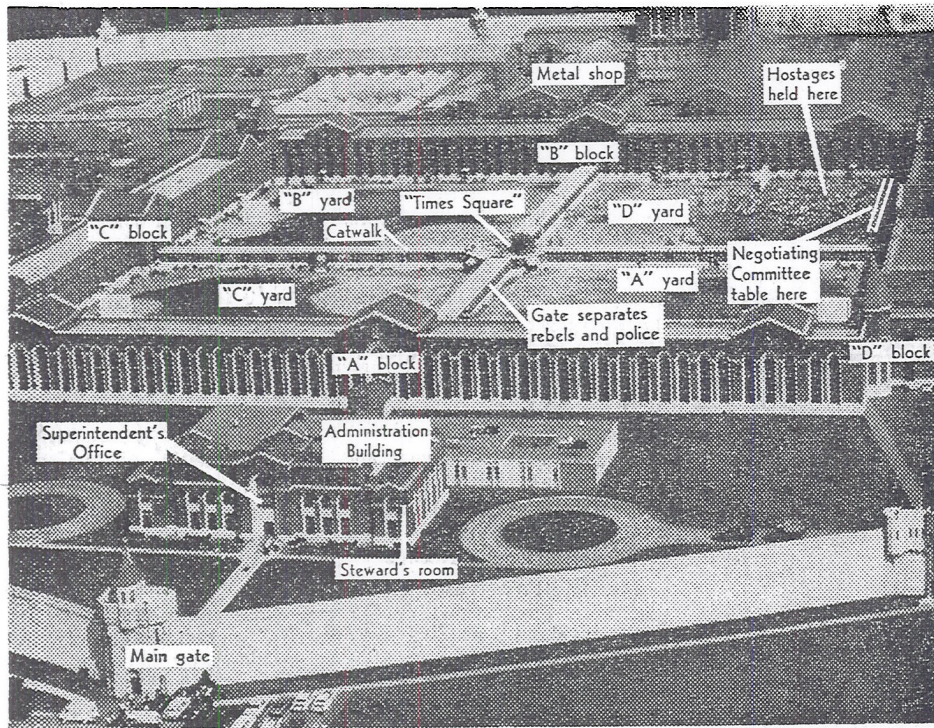
roofs of two cellblocks opened with a heavy barrage of rifle fire. The first targets were the inmates guarding the hostages on the catwalk. These volleys were followed by an assault down the catwalk from the direction of C block by other troopers firing shotguns.

Their combined efforts were deadly and accurate. Eleven or 12 inmates but only two hostages were shot to death on the catwalk, according to the evidence drawn from police photographs taken during the action. The two hostages were John Monteleone and John D'Arcangelo. Mr. Monteleone had a knife wound on the back of his neck.

An inmate who was on the catwalk said he bent down to avoid being hit in the eye with what he assumed to be rubber bullets. "Then I saw a brother hit in the neck and the blood came out," he said. "I got out of there."

Lieut. Joseph Christian, the first trooper into the yard, charged ahead of his men. An inmate jumped from a trench and went at him with a club. Two of the lieutenant's men fired on the inmate with their shotguns, which were loaded with shells each containing 10 32-caliber slugs.

Two of those slugs hit Lieutenant Christian in the arm and leg. The inmate was cut down. The stray slugs flew out into the yard in the general direction of the area where the hostages had been congregated for four days.



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Like all shotgun ammunition, these slugs spread out in a widening pattern. Unlike birdshot, any one of the heavy pellets can be lethal. The bodies of seven hostages and four inmates, wounded by a mixture of shotgun and rifle wounds, were found in that area.

The bodies of the rest of the inmates were scattered around the yard in no particular pattern. According to Dr. Baden, "Thus far there have been no indications that any of the inmates died of neglect following bullet wounds. Their injuries in and of themselves were sufficient to be fatal."

There was virtually no resistance. The inmates were stripped naked — of even rings, watches and religious medals—then run through a gantlet of club-wielding troopers in A yard who shouted epithets.

After that they were forced to crawl on their elbows and knees into the cellblock with their faces in the dirt.

"Keep your nigger nose down!" troopers shouted. "Don't you know state troopers don't like niggers?"

According to an inmate who was listening from a cell near the entrance to the cellblock, the troopers started repeating the castration story to one another shortly after noon and the beatings intensified.

Deputy Commissioner Dunbar led a tour of legislators through the yard in mid-afternoon and pointed to a large black man who was sitting naked on a table. Mr. Dunbar said the man was guilty of the mutilation, which he described in lurid detail. He then described the slashing of the throats of the slain hostages.

These account — which were repudiated the next day by autopsy reports—reflected the expectations of savagery that had been building all through the weekend. Inmates had threatened throat slashings; they had lined hostages up with knives at their throats; two of these survived slashings; and, finally, the bodies of the three inmates killed the day before were discovered in D block.

But the fact is that no

doctor had examined the wounds of the dead at this time. In some cases, the blindfolds the hostages wore had slipped down to their necks and become drenched in blood from bullet wounds. On such evidence, the prison officials found what they had expected to find all along.

Two days later, at a news conference held in New York before he stopped answering questions about Attica, Governor Rockefeller described his feelings of relief as he heard that the first 21 hostages had been brought safely out of D yard.

"I want to tell you I just was absolutely overwhelmed," he said. "I just didn't see how it was possible, with 1,200 men in there armed, with electrified barricades, with trenches, with a pledge which they said that they would all go right down fighting to the last man, how it was going to be possible."

He then was asked: "What does this tell you about the prisoners, Governor, the fact that so many men did emerge unharmed?"

"I think," he replied, "what it tells is that the use of this gas is a fantastic instrument in a situation of this kind."

The Attica rebellion was portrayed as a clash between two sharply defined forces, the rebels and the authorities. But there were many lives caught in between. The example of the hostages who were killed by men who had come to save them was painfully obvious.

Overlooked was what happened to the prisoners who found themselves in the middle. Consider the case of Inmate 26925, a jewel thief named Peter Tarallo whose victims included actresses Zsa Zsa Gabor and Janet Leigh. A graduate of New York University and an accomplished jailhouse lawyer, he had turned his cell into a

law library. Its contents were said to be worth thousands of dollars.

Tarallo wanted to sit out the revolt in that cell, but was dragged into D yard by rebels the morning it broke out. There, four days later, he was shot in the groin by the assaulting troopers. Monday afternoon the law tomes he had accumulated over the last eight years were all destroyed by guards in the immediate aftermath of the re-taking of the prison.

Today, three weeks after the revolt, Tarallo is in "satisfactory" condition at Meyer Memorial Hospital in Buffalo.