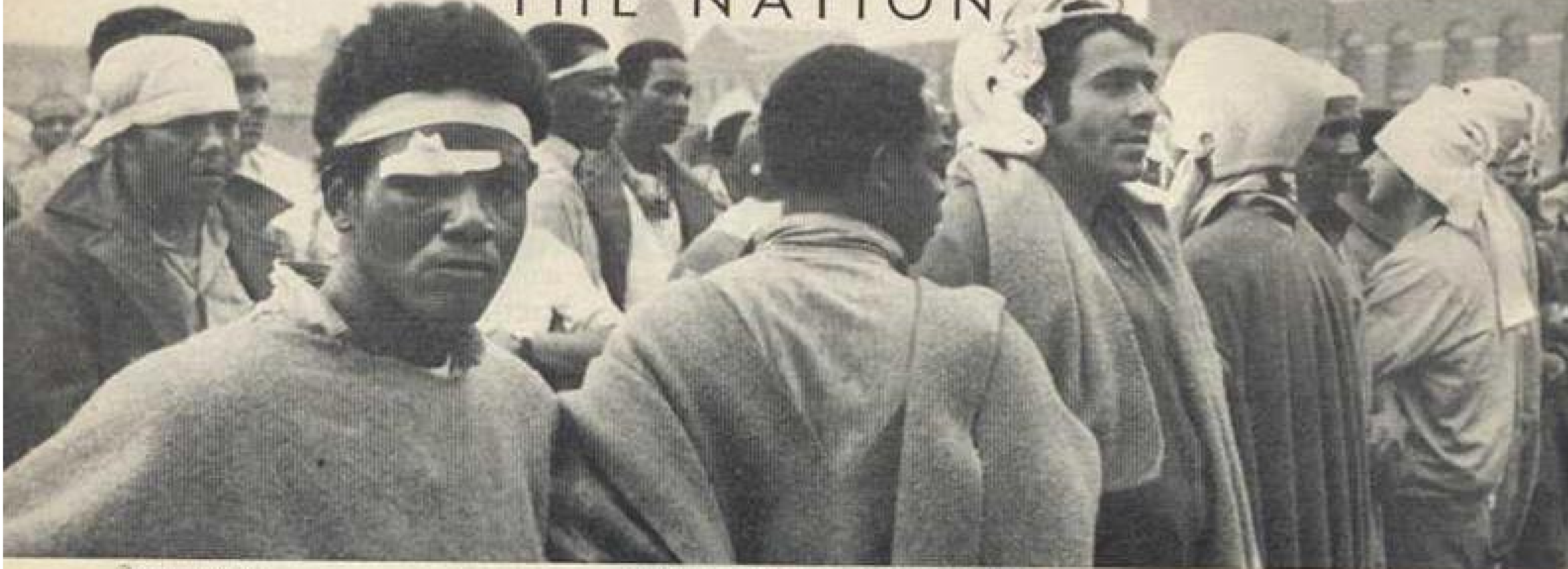


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THE NATION



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REBEL PRISONERS IN ATTICA COMPOUND

AMERICAN NOTES

Reason Is the Victim

Perhaps no other incident better symbolizes the division of American thought and feeling about the Attica tragedy than a dedication ceremony held last week for Georgetown University's new law center, a few blocks from the Supreme Court building. The guest speaker was Chief Justice Warren E. Burger. Preceding him, Alfred F. Ross, president of Georgetown's student bar association, reflected the somber mood of Burger's audience by making an impassioned reference to the prison riot and its aftermath. "What happened at Attica," he said, "was not merely a senseless and brutal massacre of men whose lives had already been unspeakably mutilated and wasted. What we witnessed was but the latest and least equivocal manifestation, for all the world to see with horror, that what we call our system of criminal justice has broken down completely; that in the name of justice, inhumanity and injustice permeate the treatment of those convicted of crime."

Burger rose impassively to deliver a sober and reflective speech. Where Ross had spoken of "human beings" locked in prisons, the Chief Justice—without specific reference to Attica—described convicts as the "delinquents and misfits" of society. He cautioned the students that law was not the path to social reform, although he admitted to being intrigued by the "alluring prospect that our world can be changed in the courts" rather than by legislators. It was a moderate enough speech by a man who cares deeply about prison reform, but the students were not in a frame of mind for moderation. Many of them walked out to listen to Radical Attorney William Kunstler in a street counterceremony.

Libel?

A thoroughly political man, Richard Nixon last week seized upon Senator Edmund Muskie's amazingly candid remark (TIME, Sept. 20) that he would not favor a black as his running mate in 1972. Muskie reasoned it might keep him from winning and thus from fighting for racial justice as only a President can.

The President, after telling reporters he would not discuss politics, proceeded to say that it was "a libel on the American people" to presume that they would not accept a black vice-presidential nominee. The President's reproachful tone suggested the improbable—that he would be happy to have a black for a running mate. He also noted that similar views were once uttered about Roman Catholics and proven baseless by John Kennedy. Nixon said that it was "very important for those of us in positions of leadership not to tell a large number of people in America, whoever they are, that because of the accident of their birth they don't have a chance to go to the top."

To which Honest Ed Muskie's reply would have to be: "Touché."

Showdown at Lake Powell

The Indian has taken an economic beating at the hands of the white man since that guileless tribe gave up Manhattan for \$24 in trinkets. Now a band of enterprising Navajos in Arizona hopes to Indian-wrestle some of their ancestors' money back. The group plans to build a \$10 million resort on the shores of Lake Powell featuring a full-scale gambling casino. They should mine plenty of yellow iron—if the Arizona authorities let them get away with it.

War at Attica

"If we cannot live as people, we will at least try to die like men."

—Attica Prisoner Charles Horatio Crowley ("Brother Flip")

AT 9:44 on a drizzly overcast morning last week, a radio loudspeaker snapped out the order to attack. Through the stinging mist of CS pepper gas dropped by Viet Nam-style helicopters, yellow-clad troopers set off a barrage of rifle fire from atop 30-ft. prison walls. More than 500 officers—armed with shotguns, rifles, pistols and clubs—charged into the crowded compound, shooting as they ran. Sporadic firing continued for nearly an hour. When the one-sided battle was over, lawmen representing the State of New York had killed 26 convicts and nine of 38 hos-

STATE TROOPERS OUTSIDE PRISON



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INMATE SECURITY GUARDS LOCK ARMS TO PROTECT VISITORS FROM HARM

Was There No Other Way?

tages that the inmates had seized in the four-day prison riot. At least 83 prisoners were hurt seriously enough to require surgery.

That was Attica. For some time to come in the U.S., that word will not be primarily identified with the plain upon which ancient Athens nurtured philosophy and democracy. Nor will it simply stand for the bucolic little town that gave its name to a turreted prison, mislabeled a "correctional facility." Attica will evoke the bloodiest prison rebellion in U.S. history. It will take its place alongside Kent State, Jackson State, My Lai and other traumatic events that have shaken the American conscience and incited searing controversy over the application of force—and the pressures that provoke it.

SHORTLY BEFORE THE ASSAULT



With the riot and its aftermath still shrouded by secrecy, rumor, half-truths and untruths, the nation was sorely split in trying to decide just why it happened and who was to blame. Since most of Attica's prisoners are black, many blacks saw the event as yet another manifestation of America's deep-rooted racism. Newark Mayor Kenneth Gibson termed it "one of the most callous and blatantly repressive acts ever carried out by a supposedly civilized society." White liberals—and not liberals alone—interpreted Attica as, at the very least, a measure of the bankruptcy of the U.S. prison system. Yet many if not most Americans seemed to feel that the attack was legally and morally justified. The *Atlanta Constitution*, in a singularly savage editorial, suggested execution of "the animals of Attica" for trying to impose "kangaroo justice" on the hostages.

New York Governor Nelson Rockefeller, who had approved subordinates' decision to storm the prison, was defended by President Nixon, who said that the "painful, excruciating" action was "the only thing he could possibly do . . ." At the same time, Rockefeller was also widely denounced for needlessly risking lives by using so much firepower, and derided for initially being too soft on the prisoners.

The violence at Attica sent tremors throughout U.S. prisons. The FBI warned many institutions to prepare for similar uprisings, and security was increased. But there were surprisingly few incidents. One uprising took place at Baltimore city jail, where some 200 prisoners (nearly all were unconvicted blacks awaiting trial) rioted in the mess hall, overturning tables and smashing 120

windowpanes. Eight guards fled to safety, and officers armed with tear gas promptly restored order. There were also protests from police and prison guards. At New York's Green Haven Correctional Facility, 390 guards demanded assurance that the state would move swiftly to quell any similar rebellion at their prison—even if they were held as hostages and their own lives were threatened.

The convulsion of conflicting values and emotions put in question the future of a penal system that most responsible authorities consider a dismal failure (see story, page 26). Many officials, including President Nixon, hoped that the tragedy would give a sorely needed impetus to prison reform. Others worried about the danger of a new rush toward repression that would make prisons even more inhumane.

Volatile Incident

The eventual course will depend upon how the events at Attica are understood and evaluated. The precise origin of the uprising is still not clear; what is obvious is that the prisoners have long had so many grievances that a volatile incident could have touched off a rebellion at almost any time. Attica houses some of the state's most hardened criminals. But it is also an admission facility for new convicts, who are convinced that their lesser crimes do not warrant the prison's harsh treatment. At the time of the uprising, at least 75% of the 2,250 prisoners were black or Puerto Rican. All of the 383 guards—too few for that number of inmates, in the opinion of most experts—were white. Blacks resented the racism shown by guards, who gave easier prison jobs to white inmates and openly referred to their clubs as "nigger sticks."

The convicts also complained about

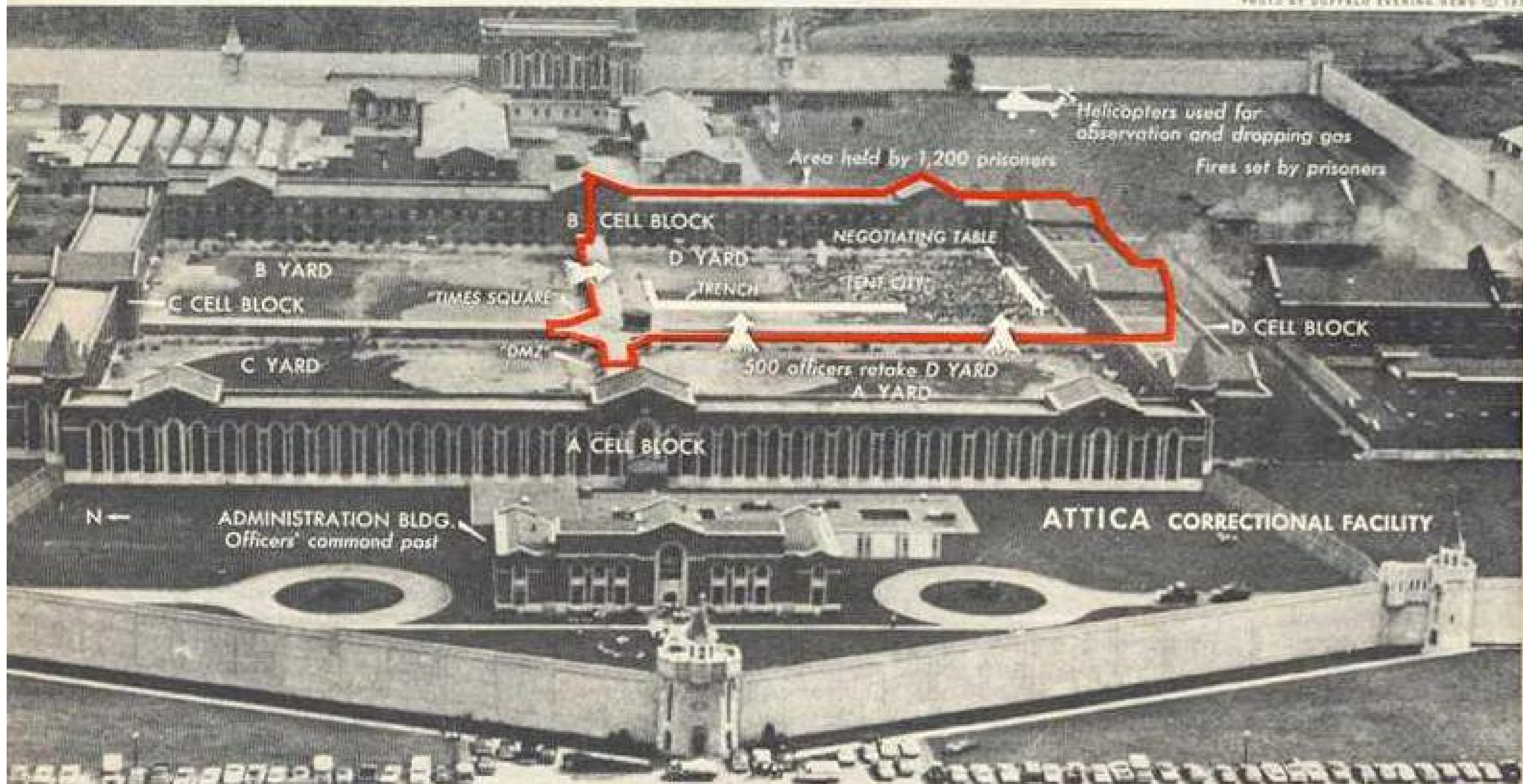
the stern discipline of Superintendent Vincent Mancusi, an unimaginative, old-school warden who seldom spoke to his prisoners and apparently resented the heat he was getting from his superiors, mainly Oswald, to loosen his reins. This pressure was also resented by veteran guards, mostly country folk from upstate New York, who felt that they were losing control over the prison population. In particular, they found it hard to cope with the new breed of hip, street-wise young criminals from the ghettos of Harlem and Bedford-Stuyvesant, who spouted revolutionary rhetoric. Almost the only communication between kept and keeper was the

and held secret political meetings when pretending to be at chapel or engaged in intramural athletics. They passed around clandestine writings of their own; among them was a poem written by an unknown prisoner, crude but touching in its would-be heroic style (see cut for the first stanza).

Many of the demands that emerged in the Attica rebellion were first raised in July in a tough "manifesto" sent to Oswald and Rockefeller by a group of inmates called "the Attica Liberation Faction." The paper labeled Attica a "classic institution of authoritative inhumanity upon men," but added: "We are trying to do this in a democratic fash-

Whatever the reason, violence did erupt on the morning of Sept. 9 at about 8:30, when a group of inmates refused to line up at the rap of guards clubs for a work detail. Suddenly the guards, armed only with their clubs were fighting with inmates—and were completely outnumbered. At the time well under 100 guards were on duty in the 55-acre compound to supervise the 2,250 prisoners. Moving swiftly, the convicts rushed through three of the quadrangular cell blocks (see cut) and set fires in six buildings. The chapel, prison school and machine shop were completely gutted. Quickly producing knives, pipes, baseball bats and makeshift spears

PHOTO BY BUFFALO EVENING NEWS © 1971



hanging of clubs against prison walls, signaling orders to line up or move.

Former inmates of Attica contend that solitary confinement was frequently imposed for minor infractions, and that beatings in the elevator en route to "the box" were common. The box is conveniently located over the prison hospital. Inmates are allowed only one shower a week, even though many work (for as little as 25¢ a day) in the metal shop, known as "the black hole of Calcutta," where temperatures exceed 100°. Former inmates claim that one bar of soap and one roll of toilet paper is the maximum monthly allotment. There is little useful vocational training.

At Attica, protests against such conditions have been simmering for some time. Many of the self-styled revolutionaries—transferred to Attica from other prisons because of their militancy—smuggled banned books by such writers as Malcolm X and Bobby Seale into their cells,

ion. We feel there is no need to dramatize our demands."

But what, more immediately, sparked the riot? It could have been the rumor of brutality that swept the prison on Sept. 8, after a young guard reportedly tackled an inmate who refused to leave his cell for a disciplinary hearing on charges of punching another guard. Or it could have been a mess-hall incident the same day in which two prisoners threw a piece of glass at a guard and, after the ensuing scuffle, were sent to the box; both claimed they had been beaten. Some prison officials are convinced that the revolt was planned; they found the date Sept. 9 "circled big" on calendars in some cells.

*If we must die let it not be like dogs,
hunted and penned in an unglorious spot,
while round us, back the mad and hungry dogs,
making their mock at our accursed lot.*

fashioned from scissor blades and broom handles, the inmates captured guards and civilian employees for hostages.

Using tear gas, the undermanned prison staff regained control of cell blocks B and C, confining about half the prisoners in their cells for the long ordeal. But some 1,200 inmates were in control of cell block D and the yard it faces. Locking gates and even welding some of them shut with equipment from the metal shop, they repulsed advancing guards and shredded the hoses of prison firefighting equipment.

In the revolt, one guard, William Quinn, 28, was severely injured; some observers said that they saw his body fall from an upper floor. The first day, convicts released Quinn and 11 other guards and civilians so that they could get medical help. After being stripped, the remaining guards were given inmate clothing, blankets and even mattresses (which convicts in the rain-soaked yard did not



Blindfolded Attica hostages in cell block D two days before attack on compound.

WGB-TV NEWS, BUFFALO

Outside prison, relatives and friends of guards await news of hostages' fate.

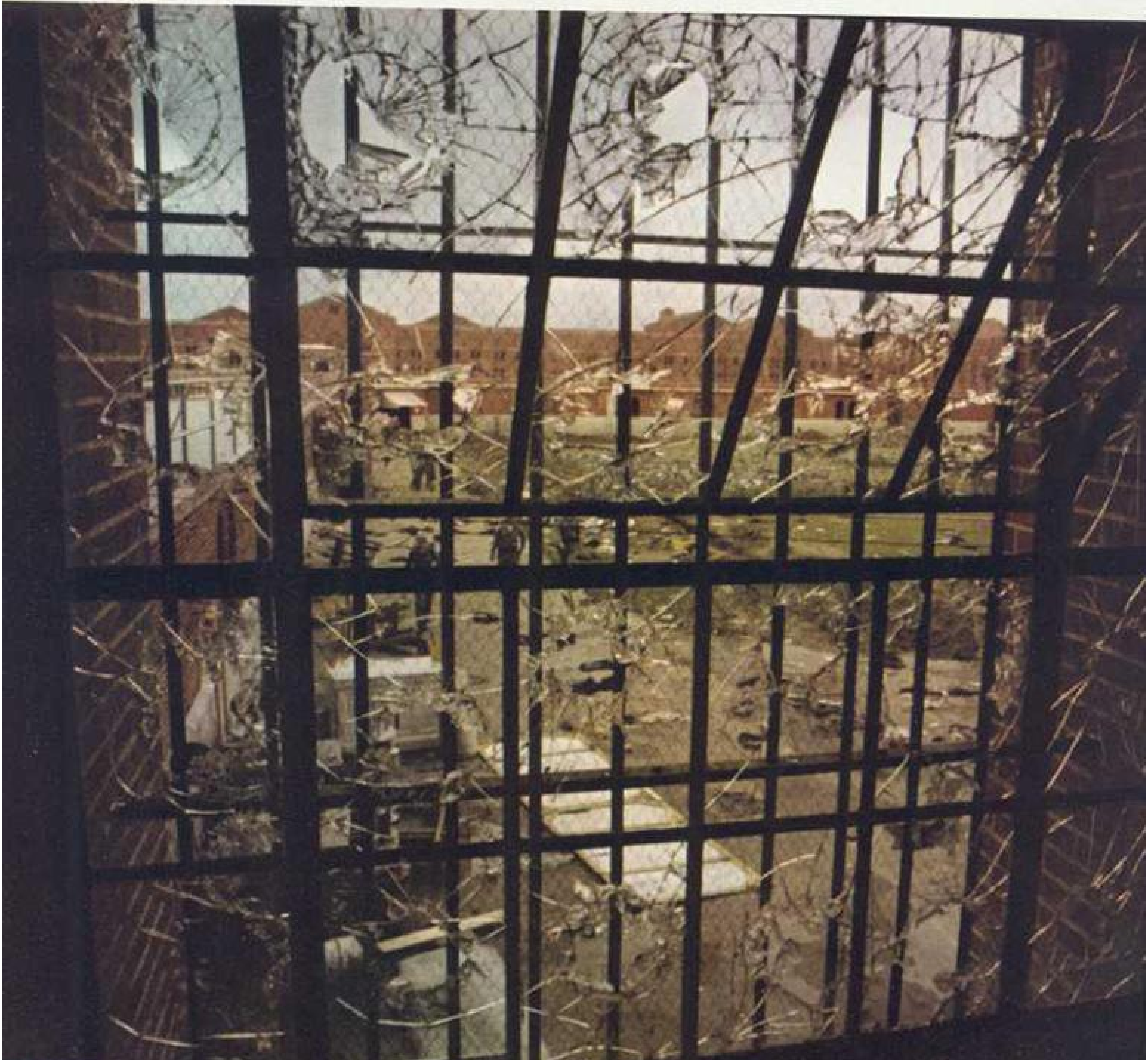


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Subdued prisoners stand naked in cell block D courtyard after being searched.

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Rebels' trench in courtyard. In background, tent city, where negotiations failed.

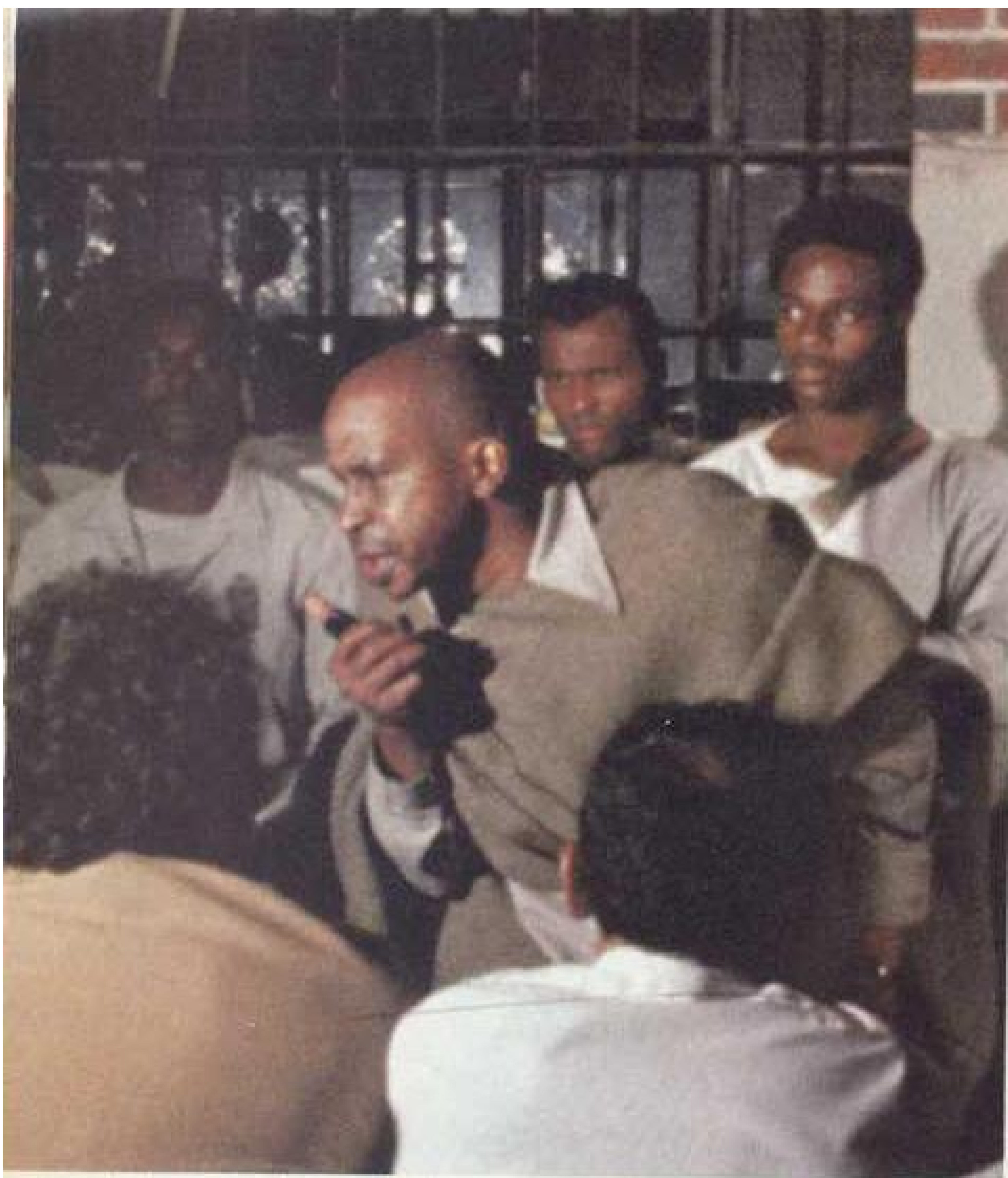
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Prisoners wounded during the assault lie on stretchers, awaiting medical help.

Bullet-shattered window overlooking the battleground just after the siege.



AP/WIDE WORLD



An inmate spokesman (holding microphone) addresses fellow Attica convicts. National Guardsmen and correction officers surround stripped prisoner (with hands on head) after recapture of Attica compound.

Medical aide leaves prison after helping wounded.



the Aftermath

sweet corn and rolling green hills. Red barns and tall silver silos sit fat amidst fields of goldenrod and purple wild flowers. Along Route 98, small, white clapboard farmhouses ringed with zinnias and neatly clipped lawns are spaced with the regularity of mileposts. Route 98 cuts from north to south and connects the New York State Thruway with Attica about twelve miles to the south.

Despite the towering presence of the prison, Attica in many ways is the archetypal upstate New York community. Its ambience is one of spare Yankee economy distorted by the proximity of metropolitan Buffalo and the lure of markets (and profits) made available by the Thruway. There are old, elm-shaded Victorian homes hard by one and two story frame houses of no particular distinction; in the commercial district the new Citizens' Bank, done in businesslike red-brick modern, contrasts with the clapboard charm of Timm's Hardware. Attica has a variety of fraternal, youth and religious organizations, in addition to seven churches, all well attended on Sundays. The only movie theater, though, closed its doors a few years ago for lack of business. In normal times the most popular pastime is cheering on the Attica Central High School football team. Says Salesman Jim Hall, president of the local Lions club: "I'd consider Attica a good old U.S.A. town."

The prison tragedy has clearly been a shock to the values and ideals of Attica's citizens. There is a bitterness toward the rebel prisoners who led the riots that in

many cases borders on hatred. One man referred to them as "outlaws who are out to destroy our country and burn our cities, and now want to destroy our prison." A woman who refused to give her name went even further. "Now when I see a Negro I feel different," she said, "now I feel uncomfortable." But there is also an understanding of the prisoners' lot. "I felt they had legitimate gripes," said Paul Krotz, one of the hostages. Others praised the Muslim prisoners, who protected several hostages from harm and even death. Said Bill Harder, whose brother and son work at the prison: "We're not blaming all the prisoners. Some should get time off for all the help they gave during the riot."

To a man, the townsfolk insist that the prison guards treated their charges with fair discipline and genuinely tried to help them. The residents feel strongly that the riot occurred because of the "permissiveness" of state officials—notably Oswald, who is as heartily detested as the inmates. "Oswald was at fault," said Frank Mandeville, for many years the owner of Timm's Hardware. "If he had gone in right away, some lives might have been lost, but not on the tragic scale we have now." Mandeville, who still doubts that the hostages were killed by police bullets rather than knife wounds, insists: "Political pressure caused Oswald to change his story." Like many other Atticans, Mandeville also thinks the assault was justified. "If the troopers had to kill some of the hostages, that was their job," he said. "I give them all the credit in the world."

In the riot's wake, many are thinking of moving away. "Half the men I talk with are ready to quit," says one guard.



MEMORIAL FLAG ON ATTICA STREET

Meanwhile, the town was burying its dead and trying to return to normalcy. Some Atticans, certainly, were reflecting on the words of the Rev. Charles F. Wilman, of St. Paul's United Church of Christ, in a sermon at the funeral of one deceased guard. "Until nine days ago, we could believe we were sheltered from the rest of the world, separated as we were from the problems of the people in the city and the ghettos and the rest of the world. If we did not know it then, we know it now. Attica is part of the tragedy that is the world. Time will heal the loneliness and grief we feel now. But Attica can never return to the Attica of nine days ago."

acceptance of the final offer. Seale refused, and left for California. As for William Kunstler, a few members of the committee have charged that he told the prisoners to hold out for amnesty; he denies this. Kunstler did, however, tell the convicts that representatives of "Third World nations are waiting for you across the street." This was an ambiguous—and irresponsible—reference to the hundred or so demonstrators, both black and white, who had arrived in Attica. It could have been taken by the inmates as a reason to hold out.

By Sunday afternoon, preparations were under way for an assault by state troopers and National Guardsmen; indeed, many of their commanders had for days been pressing Oswald to let them attack. Fearful relatives of the captive guards, waiting wearily in the rain, saw powerful fire hoses carried into the prison, truckloads of gas masks unloaded. A Catholic priest asked them to pray for the hostages.

Within the prison's administration building, the committee watched the activity with growing horror. Some arranged another meeting with the inmates

and walked a final time down the A-block corridor (dubbed "the DMZ") toward the prisoner-controlled gates. Inmates had earlier agreed that newsmen could film the hostages to show that they were still alive, and allowed the captives to speak before the cameras. The hostages pleaded for more time, warned against an assault, and urged Rockefeller to come to the prison. "Unless Rockefeller comes here, I am a dead man," said Sergeant Edward Cunningham, a ten-year Attica employee. Next day Cunningham died in the attack.

Force Meets Force

The state's course had been set. Oswald, consulting with Rockefeller by telephone and with his aides on the scene, had decided that two final ultimatums would be delivered to the prisoners: if there was no favorable response, the attack would come on Monday morning. The prisoners, they felt, were intransigent, and their mood was turning uglier. The inmates had dug trenches up to 200 feet long and flanked by mounds of dirt to provide protection against attack. Gates were being wired to make them

electrically hot. Metal tables were upended along the catwalk leading to the "Times Square" intersection of the prison's inner connecting corridors—a route along which any invading police would certainly come. "They were going to create an inferno [by igniting gasoline] when our men came through," contended one Rockefeller aide. "We had a deteriorating situation on our hands, and we had to act before it got worse."

Four of the observers (Wicker, Badillo, Dunne and Jones) telephoned Rockefeller and for 90 minutes pleaded with him to come to Attica and talk to them as a means of expressing concern and buying more time. "If we could just get two hours, three hours, more time . . ." said Badillo. "I can give you that, all right," Rocky replied. "We'll stretch this [the negotiations] out as long as anybody thinks there's a chance of settling it peaceably. But if I come up and talk to you, they [the prisoners] will demand that I come inside—and that wouldn't be very productive."

At 7 a.m. on Monday, the army of troopers was assigned to specific functions: sharpshooting, rescue, barricade