1. "Fred Speaks"

By late 1968 and early 1969, twenty-one-year-old Fred Hampton, the charismatic leader of the Chicago chapter of the Black Panther Party, was developing a local and national reputation as an artful proponent of the party's program. In these excerpts from several of Hampton's speeches, he expounds upon the Party's call for armed revolutionary struggle, its setting up of free breakfast programs, and his overarching commitment the the "struggle for the people."

A lot of people get the word revolution mixed up and they think revolution's a bad word. Revolution is nothing but like having a sore on your body and then you put something on that sore to cure that infection. I'm telling you that we're living in a sick society. We're involved in a society that produces ADC victims. We're involved in a society that produces criminals, thieves and robbers and rapers. Whenever you are in a society like that, that is a sick society.

. . . We're gonna organize and dedicate ourselves to revolutionary political power and teach ourselves the specific needs of resisting the power structure, arm ourselves, and we're gonna fight reactionary pigs with international proletarian revolution. That's what it has to be. The people have to have the power—it belongs to the people.

. . . Unless people show us through their social practice that they relate to the struggle in Babylon, that means that they're not internationalists, that means that they're not revolutionaries. And when you're marchin' on this cruel war in Washington, all you radicals . . . we need to have some moratoriums on Babylon. We need to have some moratoriums on the Black community in Babylon and all oppressed communities in Babylon.

. . . We have to understand very clearly that there's a man in our community called a capitalist. Sometimes he's Black and sometimes he's white. But that man has to be driven out of our community because anybody who comes into the community to make profit off of people by exploiting them can be defined as a capitalist.

Any program that's brought into our community should be analyzed by the people of that community. It should be analyzed to see that it meets the relevant needs of that community.

. . . That's what the Breakfast for Children Program is. A lot of people think it's charity. But what does it do? It takes people from a stage to a stage to another stage. Any program that's revolutionary is an advancing program. Revolution is change.

. . . We say that the Breakfast for Children Program is a socialistic program. It teaches the people basically that—by practice. We thought up and let them practice that theory and inspect that theory. What's more important?

. . . And a woman said, "I don't know if I like communism, and I don't know if I like socialism. But I know that the Breakfast for Children Program feeds my kids. And if you put your hands on that Breakfast for Children Program . . ."

. . . You know, a lot of people have hang-ups with the Party because the Party talks about a class struggle. . . . We say primarily that the priority of this struggle is class. That Marx and Lenin and Che Guevara and Mao Tse-tung and anybody else that has ever said or knew or practiced anything about revolution always said that a revolution is a class struggle. It was one class—the oppressed, and that other class—the oppressor. And it's got to be a universal fact. Those that don't admit to that are those that don't want to get involved in a revolution, because they know as long as they're dealing with a race thing, they'll never be involved in a revolution.

. . . We never negated the fact that there was racism in America, but we said that the by-product, what comes off of capitalism, that happens to be racism . . . that capitalism comes first and next is racism. That when they brought slaves over here, it was to make money. So first the idea came that we want to make money, then the slaves came in order to make that money. That means, through historical fact, that racism had to come from capitalism. It had to be capitalism first and racism was a by-product of that.

. . . We may be in the minority, but this minority is gonna keep on shouting loud and clear: We're not gonna fight fire with fire, we're gonna fight fire with water. We're not gonna fight racism

with racism, we're gonna fight racism with solidarity. We're not gonna fight capitalism with Black capitalism . . . we're gonna fight capitalism with socialism.

. . . We know that Black people are most oppressed. And if we didn't know that, then why in the hell would we be running around talking about the Black liberation struggle has to be the vanguard for all liberation struggles?

Any theory you got, practice it. And when you practice it, you make some mistakes. When you make a mistake, you correct that theory, and then it will be corrected theory that will be able to be applied and used in any situation. That's what we've got to be able to do.

. . . A lot of us read and read and read, but we don't get any practice. We have a lot of knowledge in our heads, but we've never practiced it; and made any mistakes and corrected those mistakes so that we will be able to do something properly. So we come up with, like we say, more degrees than a thermometer but we are not able to walk across the street and chew gum at the same time. Because we have all that knowledge but it's never been exercised, it's never been practiced. We never tested it with what's really happening. We call it testing it with objective reality. You might have any kind of thought in your mind, but you've got to test it with what's out there. You see what I mean?

. . . The only way that anybody can tell you the taste of a pear is if he himself has tasted it. That's the only way. That's objective reality. That's what the Black Panther Party deals with. We're not into metaphysics, we're not idealists, we're dialectical materialists. And we deal with what reality is, whether we like it or not. A lot of people can't relate to that because everything they do is gauged by the way they like things to be. We say that's incorrect. You look and see how things are, and then you deal with that.

. . . We some Marxist-Leninist cussin' niggers. And we gonna continue to cuss, goddammit. 'Cause that's what we relate to. That's what's happening in Babylon. That's objective reality.

. . . You're dealing in subjectivity, because you're not testing it with objective reality. And what's wrong is that you don't go test it. Because if you test it, you'll get objective. Because as soon as you walk out there, a whole lot of objective reality will vamp down upon your ass.

The community had a problem out there in California. There was an intersection where a lot of people were getting killed. . . . Let me tell you what Huey P. Newton did. Huey Newton went and got Bobby Seale, the Chairman of the Black Panther Party on a national level. Bobby Seale got his 9mm, that's a pistol. Huey P. Newton got his shotgun and got some stop signs and got a hammer. Went down to the intersection, gave his shotgun to Bobby, and Bobby had his 9mm. He said, "You hold this shotgun; anybody mess with us, blow their brains out." He put those stop signs up. There were no more accidents, no more problem.

. . . And I say anybody that comes into our community and sets up any type of situation that does not meet the needs of the masses, then I, Chairman Fred of the Black Panther Party, say that I'll take that nigger by his turtleneck and beat him to death with a Black Panther Newspaper! And you could kill him with the paper, because that paper has an ideology and if you don't read it you oughta read it.

. . . You don't want to get that Africanized, because as soon as you have to dress like somebody from Angola or Mozambique, then after you put on whatever you put on, and it can be anything from rags to something from Saks Fifth Avenue, you got to put on some bandoliers and some AR-15's and some 38's; you've got to put on some Smith and Wessons and some Colt 45's, because that's what they're wearin' in Angola and that's what they're wearin' in Mozambique.

. . . Anybody ever hear about Gloves on the South Side of Chicago? He's not white. Did you think [Gang Intelligence Unit Chief] Buckney's white? Buckney, who's taking all of your little brothers and all of your little sisters, and all of your little nephews, and he's gonna continue to take 'em. And if you don't do anything, he's gonna take your sons and your daughters. . . . We don't hear nobody running around talking about "I'm Benedict Arnold, III." Because Benedict Arnold's children don't want to talk about that

they are his children. You hear people talking about they might be Patrick Henry's children, people that stood up and said, "Give me liberty or give me death." Or Paul Revere's cousin. Paul Revere said, "Get your guns, the British are coming." The British were the police.

. . . We say that we need some guns. There's nothing wrong with the guns in our community, there's just been a misdirection of guns in our community. For some reason or another, the pigs have all the guns, so all we have to do is equally distribute them. So if you see one that has a gun and you don't have one, then when you leave you should have one. That way we'll be able to deal with things right. I remember looking at TV and found that not only did the pigs not brutalize the people in western days, they had to hire bounty hunters to go arrest them because they had guns. Now they brutalize without even arresting them. They shoot somebody with no intention of arresting them. We need some guns. We need some guns. We need some guns. We need some force.

You can jail a revolutionary, but you can't jail the revolution. You can lock up a freedom fighter like Huey P. Newton, but you can't lock up freedom fighting. . . . Because if you do, you come up with answers that don't answer, explanations that don't explain, conclusions that don't conclude.

If you think about me and you think about me, niggers, and you ain't gonna do no revolutionary act, then forget about me. I don't want myself on your mind if you're not going to work for the people.

Like I always said, if you're asked to make a commitment at the age of 20, and you say I don't want to make no commitment only because of the simple reason that I'm too young to die, I want to live a little bit longer. What you did is . . . you're dead already.

You have to understand that people have to pay the price for peace. You dare to struggle, you dare to win. If you dare not struggle, then goddammit you don't deserve to win. Let me say to you peace if you're willing to fight for it.

Let me say in the spirit of liberation—I been gone for a little while, at least my body's been gone for a little while. But I'm back now, and I believe I'm back to stay.

I believe I'm going to do my job. I believe I was born not to die in a car wreck. I don't believe I'm going to die in a car wreck. I don't believe I going to die slipping on a piece of ice. I don't believe I going to die because I have a bad heart. I don't believe I'm going to die because I have lung cancer.

I believe I'm going to be able to die doing the things I was born for. I believe I'm going to die high off the people. I believe I'm going to die a revolutionary in the international revolutionary proletarian struggle. I hope each one of you will be able to die [in] the international revolutionary proletarian struggle, or you'll be able to live in it. And I think that struggle's going to come.

Why don't you live for the people.

Why don't you struggle for the people.

Why don't you die for the people.

2. Interview with Akua Njere (Deborah Johnson)

In this interview, Akua Njere (formerly Deborah Johnson) recalls her involvement with the Chicago chapter of the Black Panther Party. She is a survivor of the December 4, 1969, raid. At the time of her fiancé Fred Hampton's death, she was carrying his baby and subsequently gave birth to Fred Hampton, Jr. Njere's recollections as a female rank-and-file member of the party are especially useful, as she highlights local work assignments and to some degree gender relations within the Black Panther Party. The interview from which these excerpts are taken was published as a special supplement to the June 1990 issue of* Burning Spear, *a publication of the African People's Socialist Party, Oakland, California.

[QUESTION: What was your introduction to the Black Panther Party?]

AKUA NJERE: After high school I went to a city college, Wilson Junior College. At one point my brother brought a flyer home

that said "Black Panthers Are Here." It had a panther on an 8½ × 11 white sheet of paper. The panther appeared to be walking across the page. I said, "Wow, I need to check this out and see what this is about."

In the meantime there was some organizing at my school. The Panthers were taking over some classes at that school because they felt that the education that we were given was not exposing the true nature of this decadent American society. It was not an education that allowed Africans to survive in this country. It did not educate us as to our true role in history. They had taken over these classes and there was interest there.

At some point I saw Fred Hampton on TV. It was a Ronnie Barrett talk show. Fred Hampton and some other Panthers were on the television show and Fred Hampton had taken it over. He decided what questions he would answer, how the interview would go, everything.

I sat there watching this brother. I sat on the edge of my seat because he went straight through the Party's 10 point program and platform, saying what our needs are and what our demands were. The thing that really impressed me about him was his sincerity, his dedication to his beliefs. In that interview I believed what the brother was saying, his honesty.

I knew that this was not a person who had read a lot of books, who had been involved in just developing a lot of theory. He was a brother who was involved in social practice. He stood on what his beliefs were and he would live, fight and die for those beliefs. . . .

It was like Fred Hampton was sitting in my living room talking to me. I talked to some other people and they got the same feeling. It was that kind of charisma that came across. You didn't have to be face to face.

Fred Hampton and a number of Panthers came over to speak at the college that I was attending. I tried to get some people to go with me, but they wouldn't. I was late getting there and the room was packed. So I got up to the front, right in Fred's face and he was talking. I was sitting there on the edge of my seat.

He did a long discussion about how people are being brutalized in the community, how African people are starving, our children are going to school hungry and are expected to learn, and we needed medical attention, and the government was murdering us at every turn.

Everything he said was true and he wasn't just talking, he was documenting, he was bringing us to the realization that everything he said was true. I just couldn't absorb it all. It was just so much. . . .

We went up to the cafeteria to meet. At that time there were only about three lunchroom tables of African people at the school.

At that time I was into doing a lot of poetry and short stories and stuff. My poetry was basically about the oppression the white government was putting on African people.

I had my little book and I went up to Fred and introduced myself. When I asked him what he thought about poetry, he said he really didn't like it. So I hid my book behind my back and said, "Me either Brother." That was the end of my writings.

We talked and he said, "Sister, you need to come to the Black Panther office. We're trying to feed children," and so on and so forth. I was really excited about it. I started going to the office and the rest is history—I have a 20-year-old son.

Q: Who were the people that the Black Panthers organized?

A.N.: Let me say this about the beauty of the work that Fred Hampton did. He was able to speak to every element of the oppressed community.

We had a number of struggles with people who felt that the workers as they existed in this country would be those who would bring about the revolution and what was labeled as the lumpen proletariat were considered the scum of the Earth. The lumpen proletariat were the people in the streets who survived by their wits, the chronically unemployed, the hustlers, the pimps, the alleged lowest element of the community.

In the Black Panther Party, we read everything, and Fred Hampton did too. We were attempting to provide socialism in the community, to lead to communism. But we didn't take the doctrines of Marx and Engels just across the board.

Fred Hampton knew that he could organize anybody. He talked to the brothers and sisters on the street. He talked to those in the classroom. He talked to those in the factories. He talked to those who were in business. He went to the churches. He organized and attempted to work with every element of our communities.

Fred Hampton was the originator of the concept of the Rainbow Coalition. He was the first person to come up with that concept in 1969. That was an effort to educate and politicize other poor and oppressed people throughout this world. He worked with and attempted to politicize the Young Patriots organization, which was a group of Appalachian whites in the near north area of Chicago, politicizing them and organizing them to recognize the leadership of the Black Revolution, the vanguard party, the Black Panther Party, and to work in their communities against this huge monster we had to deal with which is racism.

It was not their role to come in our community and dictate how our struggle should be waged. It was their obligation, their responsibility, to deal with racism with their brothers and sisters. So he politicized this group and had them working to organize breakfast programs and other programs and educational programs in their communities.

He also worked with the Young Lords organization, which at one point was a Puerto Rican gang. He was politicizing this group and having them recognize who the enemy really was. He had them recognizing that we are separated by design, that there are common issues that we can come together and organize on because we have a common oppressor.

Q: . . . How would you sum up your own work, how people responded to the Black Panthers?

A.N.: Initially, a number of people in the community bought what was fed to them every day by the print and electronic media. People were fearful of us because they were told that we were a gang. In some cases they were told that all we wanted to do was kill a pig every week and that we had no program.

The Black Panther Party began to go out in the community from day one. We talked to residents of the community to see what issues they were concerned about that affected their survival. We did not ask them to fill out questionnaires.

We started survival programs. We started breakfast programs. We started feeding the children in the community without asking how many children you got and how many different daddies of children you got or if you're getting an aid check. Those things were not important to us and we did not say we had to wait for

federal funds. As a matter of fact we could not accept any federal funds at all because we felt that an enemy that was trying to destroy us would not give federal funds to a group that had no vested interest in that enemy's survival. . . .

We went out to the community and we found out that there was a disease called sickle cell anemia that very few people had heard of and that primarily affected Africans. That's why we hadn't heard of it: nobody cared about things that affected us, that were killing us and that we were dying from.

The Black Panther Party organized around these issues. The Black Panther Party was the first organization to do sickle cell testing. Following that a number of organizations started getting funds for testing and research.

We believe that the community learned. You can't just give them a bunch of free stuff. We had to educate and politicize the community. We knew that people didn't have an understanding of socialism or communism and that they might say they're against that, but people basically thought that children had a right to be fed and learn on a full stomach. . . .

We got doctors. We politicized the doctors and we let them know that public health is a priority over hospital wealth. We said it shouldn't be a question of how much insurance a person had or whether or not they had insurance or the money to pay. If people are sick and dying, then people have a right to treatment.

At our medical center the community came in. We had people who volunteered to be community liaison person. They would man our phones. We would train them how to fill out questionnaires and how to do screening, and what questions to ask about sickle cell anemia.

So the community was concluding that all this stuff they're reading about these Panthers is opposite to our practice in the community. The people began to question the role the media played in the community. They began to question even more so a government that they knew was oppressing them.

They began to question the occupying force, the police force that was in their community constantly beating them and began to say, "We don't have to take this. Our life does not have to be like this. We have the right and we have the power to determine

our own destiny. Our survival is not dictated by what they decide, what the government decides they will allow us to have. We have the power to create a revolution in this country."

The support continued to grow and people participated in the programs. Those who could not adopt the Party's philosophy wholesale could support the free prison bussing program. We had a free bussing program which allowed people in the community who had brothers and sisters and fathers and husbands in prisons and in jails to go visit their relatives in these prisons that were in downstate Illinois. People didn't have transportation for that.

We worked with them not as an agency coming in to solve the social ills of the community, but as their brother or sister next door who they grew up with, their brother and sister next door who they see out there getting beat in the head by the police just like the police just beat their son to death. So there was a kindred spirit there. There was a collective spirit. People began to see some light at the end of the tunnel.

Q: If you could, would you describe a typical day in terms of activities and work that you did as a member of the Party?

A.N.: First of all, everybody would have to get up at about 5:00 in the morning, and get ready to go to the breakfast program. We go mop the site and get the breakfast ready, get set up, have people stationed at their posts, make sure everybody is clean. Everybody was set for the program. We had literature there.

Children would sometimes start coming in at 6:30 in the morning. We'd feed the children. Then after the breakfast program we'd clean up the site and leave there and go sell our newspapers. From selling our newspapers we would read or we would have meetings in the community with different groups. We'd have lunch. We'd go back about 1:00 or 2:00 in the afternoon selling our papers again.

People had various areas of responsibility. . . . I worked on the breakfast program and also fundraising. . . .

We had to sell 200 papers a week minimum. We would come back and we would have political education classes three days a week. After the class we'd go to the bars and the lounges, selling the papers and just talking to people. We were visible in the community. People had no question about who we were. We weren't sitting in this office downtown. We were on West Madison

which was in the heart of the African community, organizing the community and working with people.

People would bring folks together in their homes to learn about the programs of the Party and we would go through struggle with the people over some of the articles that were in the paper, over the 10 point program and platform.

Sometimes people would have problems with one of the points of our 10 point program, for example that we wanted freedom for all black men held in federal, state prisons and jails. They said, "Oh god, I don't want all them people out of jail, all these murderers and thieves and so on and so forth."

But Fred Hampton said and what the Black Panther Party would say is, "You got murderers and thieves sitting in the White House that are running this government. Release these small-time alleged criminals and let's lock up some of these big-time criminals who are murdering hundreds and thousands and millions of people all over the world."

We broke it down to them like that and showed them point for point how this government had destroyed us all over the world and they would say, "Well, I guess you got a point there." You bring people to the realization of where it's at right there at home.

Q: What were the difficulties and problems, the contradictions, as an African woman, as a revolutionary, during this period, trying to raise a son, a child alone? What can you now say in terms of the movement being able to learn from the difficulties that you had?

A.N.: Some of us did not have the support of our families when we joined the Party, because some people in our families did not understand what we were doing. But we went on and did what we had to do anyway. Eventually the families came around.

I was in the first group of women to become pregnant and have babies within the context of the Black Panther Party. There was nothing set up after the birth of Fred Hampton, Jr., [on December 29, 1969] that spoke to the issue of childcare, of how we would continue to function in the structure of the Party and continue to provide for our children. Before, when you were in the Party, you were by yourself, you could really sleep anywhere and you

could work all night. But when you have the responsibility of children, you can't do that.

Somebody has to take that responsibility and I didn't feel that it was my role as a mother, a parent, to abdicate that responsibility to someone else. Not that I should be at home in a 24-hour housewife, mother role. There was no structure set up to work within the Party, to continue to work in the breakfast program, to continue to sell the newspaper. It was the demand to do it all or nothing. You would have to explain why you had to go take your child to the doctor, go through some struggle with that.

Because of the youth of the membership of the Party, because of the newness of the organization and again because it was the first group, we had no precedent to look to on how to deal with that issue. So it was due to our lack of knowledge and lack of having the practice of dealing with this issue that no viable solutions were set up. A lot of things that didn't happen or did happen spoke to the people's inability to deal with being a parent in the context of the revolutionary struggle.

A number of people left the Party. A number of new people came in and it was just really difficult for me to survive with a child without abdicating the responsibility of his growth and development to my mother, and I didn't think it was her full responsibility to take care of him while I continued.

I did, honestly, abdicate that responsibility to my mother for a period and would continue to try to work for the breakfast program, sell 200 newspapers and so on, but I didn't spend the time that needed to be spent with my son. Luckily I recognized what I was doing within a few months time.

There was some concern about my getting out of the Party because it wouldn't look good publicly. There was some concern by leadership that if I left the Party, it would appear as though the government had been successful in destroying the Party. But in all honesty, the government had been successful. The leadership that we had experienced and had followed under Fred Hampton was not there.

They had destroyed our movement, not just in Illinois, in Chicago with the murder of Fred Hampton. Just like this [snapping her fingers], starting from mid-'69, the government constantly had raids on our offices, and constantly incarcerated brothers and sisters. They were constantly in our offices piling up our breakfast donations and our medical supplies and setting them on fire in the office. They were raiding our offices all over the country.

There was a series of arrests. The arrests encompassed groups of folks, five, six, seven, eight, nine, ten people.

It was just like this, the government went through and destroyed the Black Panther Party.

So at that time when I had my son, the leadership was not there, nor was an apparatus set up for the childcare when a number of us had had babies at the same time in November, December, January. There were many babies born in the structure of the Black Panther Party but there was nothing set up to deal with that issue.

3. "Search and Destroy: A Report by the Commission of Inquiry into the Black Panthers and the Police"

Roy Wilkins and Ramsey Clark, Chairmen

Following the deaths of Fred Hampton and Mark Clark, several independent investigations into the murders were conducted. In 1973, the Commission of Inquiry into the Black Panthers and the Police, co-chaired by NAACP executive secretary Roy Wilkins and former attorney general Ramsey Clark, issued its report,* Search and Destroy, *from which these excerpts are taken.

Preface

Those of us who want to love our country are not anxious to ask whether our police are capable of murder. So we do not ask. We do not dare concede the possibility.

But we live here, and we are aware, however dimly, that hundreds of us are killed every year by police. We assume the victims are mad killers and that the officers fired in self-defense or to save lives.

Then came Orangeburg, the Algiers Motel incident, the Kent State killings, and reasonable persons were put on notice. Official conduct bears investigation. In a free society the police must be accountable to the people. Often, instead of seeking facts, we tend, largely in ignorance, to polarize, with ardent emotional commitment to the state and order on the one side and, equally passionately, to the oppressed and justice on the other.

Does the truth matter? If not, we are in an eternal contest of raw power. If it makes a difference, if it changes minds and hearts, can we find it?

This report pursues the truth of an episode that occurred early on December 4, 1969, at 2337 West Monroe Street in Chicago, Illinois. It was a time of darkness, cold, rage, fear, and violence. Facts are not easily found in such company.

The early dawn stillness had been broken at about 4:45 a.m. by heavy gunfire, eighty rounds or more, which lasted over a period of ten minutes. When it stopped, two young men, Fred Hampton and Mark Clark, were dead. Four other occupants of the premises, the Illinois Black Panther Party headquarters, were seriously wounded. Two police officers were injured, one by glass, the other by a bullet in the leg.

Of the total of perhaps one hundred shots fired that fatal night, probably one bullet was discharged by a Panther. It is possible that no Panther fired a shot, or that two or even three shots were fired by them. But it is highly unlikely that any Panther fired more than a single shot. The physical evidence does indicate that one shot was fired by them; and bullets fired inside a house make their mark.

Fred Hampton may or may not have been drugged or asleep throughout the episode; one can never be sure. Still, the probability is that he was unconscious at the time of his death. Nor can we be positive whether he was shot in the head by a policeman standing in full view of his prostrate body or by blind police gunfire from another room. But we must not weight the probabilities with our wishes. If Hampton never awakened, if he was murdered, it is better to know it. It tells us something we need to know. . . .

There is no chance that needed reforms will be made until the people have the opportunity and the will to understand the facts

about official violence. Many will simply refuse to believe officials are capable of unlawful violence. Others will believe such violence and support it. But surely most Americans will not knowingly accept police lawlessness. If official violence is to be renounced, the truth must finally overcome our natural reluctance to incriminate government. It is our hope that this report will serve that end.

Of all violence, official violence is the most destructive. It not only takes life, but it does so in the name of the people and as the agent of the society. It says, therefore, this is our way, this is what we believe, we stand for nothing better. Official violence practices violence and teaches those who resist it that there is no alternative, that those who seek change must use violence. Violence, the ultimate human degradation, destroys our faith in ourselves and our purposes. When society permits its official use, we are back in the jungle.

There is a common thread that runs through the violence of B-52 raids in Indochina, police shooting students at Jackson State College in Mississippi, and the slaughter of prisoners and guards at Attica State Penitentiary in New York. We do not value others' lives as we do our own. The Vietnamese, the black students, the convicts and their guards are expendable. Until we understand that George Jackson and Mark Clark and Fred Hampton, as well as the victims of Kent State and nameless and faceless victims of Jackson State and on all sides in the Indochina war, are human beings equal in every way to our children and ourselves, we will see no wrong in using violence to control or destroy them.

Fred Hampton and Mark Clark were valuable young men. They could have enriched our lives. If they spoke of violence, suffered it, or used it, we should not be surprised. It was not foreign to their environment, nor did their government eschew it. And talented or not, violent or nonviolent, they were human beings whose lives and legal rights must be cherished by a just society. . . .

Conclusions

The Commission is of the opinion that it would have been improper to make actual findings of guilt; such conclusions should

be made only after a trial during which the accused may exercise all of his rights. Rather, where the evidence suggests that a crime has been committed, the Commission has analogized its function to that of a grand jury, and has made findings of probable cause. It may be suggested that it was improper for the Commission even to have made findings of probable cause, since it does not have the power to compel testimony or to conduct a trial at which the accused may be exonerated. However, the circumstances surrounding the incident under investigation are so extraordinary that special measures seem called for. The existence of this Commission is itself a reflection of a widespread feeling that in this instance the legal system failed. . . .

The Plan for and Purposes of the Raid

The federal grand jury's *Report* concluded that the raid was "ill-conceived." The Commission considers that characterization of the raid to be a vast understatement, and has found that there is probable cause to believe that the predawn raid, carried out by officers with heavy armament but without tear gas, sound equipment, or lighting equipment, involved criminal acts on the part of the planners of the raid.

The infiltrator who reportedly informed the police and/or the FBI that illegal weapons were likely to be found in the Panthers' apartment was also reported to have informed them that the apartment was likely to be unoccupied at 8 p.m. on the evening preceding the raid. If the object of the raid had been, as stated, to search the premises for illegal weapons, that purpose could best have been accomplished without violence when the apartment was empty. Assuming that the search had disclosed illegal weapons, appropriate arrests could have been made thereafter.

Alternatively, the police could have surrounded the apartment and, communicating with the residents either by telephone or by loudspeaker, told them that the apartment was surrounded and ordered them to come out. The residents might have surrendered if given a chance. And the firepower available to the police department was surely more than ample to have permitted such an approach with no more danger to the police than was presented by the course of action actually followed.

Instead, however, the police chose to serve the warrant at 4:45 a.m., heavily armed and dressed in plainclothes. It is probable that the method chosen to execute the search warrant not only failed to avert violence, but instead actually maximized the likelihood of violence and clearly endangered the lives of the Panthers in the apartment. Moreover, it is probable that the purpose of the raid was to conduct a surprise attack on the Panthers, and that serving the search warrant was merely a guise.

The Commission finds that there is persuasive evidence that viable alternative methods of executing the search warrant did exist, methods which could have been utilized if the police officers and state's attorney had attempted to serve process in a manner respectful of the law.

The Opening Moments of the Raid—The First Shot

An analysis of the testimony by the police and by the Panther survivors about the events of the raid cannot be conclusive. The stories told by the police and the survivors are so fundamentally inconsistent that it is impossible to determine from the testimony what actually happened. However, the various narratives together with the physical evidence which has been available to the Commission have made several conclusions probable.

The question of the first shot was raised initially by the police, who claimed they were met by gunfire as they attempted to enter the apartment. The federal grand jury seemed to accept that theory, but never adequately addressed itself to the question. The result was to leave officially unanswered a question that was widely believed to be central and to justify the police use of gunfire, and at that time to imply that the police version of the first shot was correct.

The Commission finds that too little consideration was given by the federal grand jury, or by any other investigative body, to the ballistics report prepared by Mr. MacDonell. Although MacDonell relied on nonphysical evidence to reach his conclusion that Clark had not fired the first shot, and although that conclusion is therefore not definitive, it was a conclusion that, had a policeman rather than a Panther been the victim, would have been examined quite thoroughly by any investigative body. Instead, the federal grand jury characterized MacDonell's analysis as an "imaginative theory," a characterization which tends to discredit the analysis as

sheer speculation. "Imaginative theories," however, when tested, often provide the crucial links between pieces of circumstantial evidence. MacDonell's theory was, instead, summarily dismissed.

Based on the evidence available to it, the Commission considers it probable that the first shot was fired neither by Mark Clark or Brenda Harris nor by Sergeant Groth or Officer Davis, but rather in the entrance hallway, apparently accidentally, by Officer Jones. Reference to such a shot is found both in the federal grand jury's *Report* and in the report prepared for the Commission by Mr. MacDonell, although little weight is given to it by either the federal grand jury or Mr. MacDonell.

More important, far too much weight has been given to the issue of who fired the first shot. First, there is considerable discrepancy as to the manner in which the police announced their presence at the apartment. While the Commission is of the opinion that the federal grand jury failed adequately to consider the controversy over who fired the first shot, the Commission also thinks that the significance of that issue has been highly exaggerated. Assuming, as is far from clear from the conflicting versions of the event, that the raiding officers did announce their presence and identify themselves as police, it is necessary to consider that it was 4:45 in the morning, the residents were asleep, and the police were in plainclothes. Under those circumstances, it is not unreasonable to suppose that anybody hearing an intruder entering his apartment is likely to reach for any available weapon—including a gun, if one is available—and use it. More importantly, the pattern of the shooting after the initial exchange of shots makes the question of the first shot seem relatively insignificant.

The Pattern of the Shooting

Approximately six shots were apparently fired as the police entered the living room through the front door—two by Sergeant Groth, three by Officer Davis, and one by Mark Clark. The FBI's ballistics analysis shows that during the remainder of the raid between seventy-seven and ninety-four shots were fired by the police—and none by the apartment's occupants. Accordingly, with the exception of one shot, the police testimony of gunfire directed at them from the occupants must be rejected.

The police testimony describes several orders for cease-fires, each of which was broken by shots fired by the occupants or by their shouts to "shoot it out." The evidence that no shots were fired by the occupants discredits the police testimony that they were returning fire; equally important, it discredits the police testimony that the occupants were advocating a shoot-out, for it is highly implausible that several calls to shoot it out could have been made without a shot being fired.

It was suggested to the police by the federal grand jury that police mistook the gunfire of other officers for firing by the Panthers. The fact that the police undoubtedly felt themselves endangered by the Panthers might have explained their propensity to shoot rather than to investigate. However, the police emphatically rejected the grand jury's suggestion. Moreover, that suggestion would not account for the police testimony that occupants of the apartment advocated a shoot-out. Since no shots were fired by the occupants, it is unlikely that the police testimony in that regard was true. If, however, the testimony of the officers that cries to "shoot it out" were heard is true, it seems far more likely that those cries were made by other police officers. If such was the case, those officers might well have intended the actual result—the killing and wounding of certain of the occupants.

Officer Gorman testified before the federal grand jury that as he fired his machine gun into the front bedroom, he saw one of the occupants aiming a gray shotgun at him, and the statement purportedly made by Blair Anderson shortly after the raid indicates that both he and Satchel had weapons. The Commission has been unable to establish the truth or falsity of that testimony. However, it seems likely that the occupants would have been able to fire at least one shot, if that had been their intent, while Gorman was firing into the closet. The front bedroom was a small room—approximately fourteen feet deep and seven feet wide. In it were two beds and a chest; the closet further reduced the actual space in the room. Three people were in the room; each of them was wounded several times. And while they were being wounded, not one shot was fired by any of them. Moreover, even if the occupants were armed, the Commission cannot condone the indiscriminate firing of a full round of thirty machine gun bullets into a room or the planning of a raid that would permit such an occurrence. There were other methods readily available to effect the arrests.

The Commission finds that attribution of culpability in the killing of Mark Clark and the wounding of Brenda Harris may be less clearly definable in the context of the already-begun raid. Clark apparently did fire at the police—regardless of whether his shot was the initial shot. Although Brenda Harris claims never to have touched a gun during the raid, the police testified that she did have one, and in the statement that she purportedly made to Andrew shortly after the raid she admitted that she had had, and had been attempting to fire, a shotgun. Moreover, the police knew *somebody* had fired at them, and a mistake by them as to who it had been may be understandable. The Commission is convinced, however, that both the killing of Clark and the wounding of Harris would have been avoided by proper planning, and that while no culpability is necessarily assignable to the officers who did the shooting, there is probable cause to believe that the planning of the raid was so inadequate as to constitute criminal conduct.

The Shooting of Fred Hampton

The death of Fred Hampton appears to the Commission to have been isolated from the killing of Mark Clark and the wounding of Brenda Harris on the one hand, and from the wounding of Ronald Satchel, Verlina Brewer, and Blair Anderson on the other. The Commission has concluded that there is probable cause to believe that Fred Hampton was murdered—that he was shot by an officer or officers who could see his prostrate body lying on the bed. Unfortunately, the inadequate investigation by the police and the other officials and their inadequate examination of the available evidence make it impossible to know which officer or officers actually fired the fatal bullets.

The Commission has been unable to determine whether the purpose, or a purpose, of the raid was specifically to kill Hampton. There is some evidence that Hampton was shot after the other occupants of the rear bedroom were removed. If that was not the sequence of events, it seems likely that he was the sole target of the police shooting from the doorway of the bedroom. Neither of those consequences, however, would establish that Hampton's death was an object of the raid.

On the other hand, the fact that Hampton appears from virtually all of the testimony never to have moved during the raid, the fact that after the police entered the apartment all the testimony placed him in bed, and the possibility that his failure to move was caused by his having been drugged are relevant to the question of the purpose of the raid.

Whether Hampton Was Drugged

The Commission has been unable to determine whether Hampton was drugged at the time of his murder, but considers it more probable than not that he was. The blood tests performed in connection with the second autopsy reportedly showed that Hampton had been drugged with a massive dose of secobarbital. The blood test reportedly conducted by the Cook County coroner failed to show the presence of any barbiturate, but there is a substantial doubt whether that test was ever conducted. The federal grand jury accepted as conclusive the findings of an FBI blood analysis which did not show the presence of any drugs. But the experts consulted by the Commission unanimously expressed the opinion that the FBI test, because of the embalming procedure used on Hampton's body, the instability of secobarbital in solution, and the long time during which the blood was stored without having been frozen, should not have been accepted as conclusive. In addition, certain of the experts concluded affirmatively that the blood did show the presence of a barbiturate, and that the FBI results were not just inadequate but wrong. In short, although the Commission has concluded that it is probable that Hampton was drugged, a final resolution of the issue is beyond the Commission's competence.

If Hampton was drugged, it would explain why, despite specific attempts to wake him, he was not awakened. Moreover, a finding that he was drugged might suggest that his death was an objective of the raid—that the police went to the apartment knowing that Hampton would be there and that he would be incapable of defending himself.

It seems unlikely that it will ever be known whether Hampton was drugged and whether his death was the major focus of the raid. The only investigative bodies who might have made that determination either failed to do so or have had their credibility so impeached that any conclusions reached by them must be

disregarded. The Commission nonetheless considers it important to raise the issue because the facts compel that it be raised. The failure to raise it would be to hide from an unanswerable question solely because the most likely answers are not easy to accept.

State and Local Investigations

The performances following the raid of the various local law enforcement bodies which investigated the incident were singularly inadequate—in some cases by the admission of those official bodies. More important, however, is that some of those investigations—again by the admission of the investigators—were designed not to determine the facts but solely to establish the innocence of the police. It has been noted earlier that large segments of the black community had grown to distrust the police, as well as internal or other official investigations of police misconduct. The investigations of this raid confirm the validity of that mistrust.

The survivors of the raid have been widely condemned for their refusal to participate in certain of the official investigations. There is, however, not one hint that the participation by the survivors would have diminished the partiality and bias of any of those investigations, while there is much to suggest that their participation would have increased the acceptability of those investigations to the public. For example, despite the lack of evidence against the survivors and the substantial evidence against the police, it was the survivors and not the police who were initially indicted. And no investigation would have made available to the survivors the resources that were available to the state, or would otherwise have put the survivors and the police on equal footings. In short, the Commission has concluded that the refusal of the survivors to participate in the official investigations of the raid was understandable and justified. Until the black community at large has reason to think that blacks are being treated fairly by the police, and that police criminality will be dealt with justly by the law enforcement agencies, there is little chance of diminishing violence between police and blacks. If "the law" is designed to protect "the other side," then "the law" will inevitably be ignored.

The Commission considers that the performance by Special State's Attorney Barnabas Sears requires special comment. Mr. Sears, an established and respected lawyer, was appointed by Chief Judge Power of the Cook County Criminal Court to investigate matters relating to the raid. When the Sears investigation failed to establish the innocence of the police—and instead resulted in the indictment of State's Attorney Hanrahan and thirteen other officials on charges of conspiring to obstruct justice—Sears became himself the subject of harsh treatment by Judge Power and by other members of Chicago and Illinois officialdom. The conclusion seems inescapable that Judge Power, too, was not impartial—that he intended Mr. Sears's investigation to exonerate the police regardless of the facts. Although the trial that followed from Mr. Sears's investigation resulted in the dismissal of charges against the indicted officials, the Commission questions whether that result would have followed if the resources of the state had been made more readily available to Mr. Sears rather than having been weighted against him.

The question of "Who polices the police?" is itself difficult. When it appears that law enforcement officials are working in unison, not for justice but solely to protect some of their own, the questions become that much more difficult. Who will judge the police? Who will judge the judges? And how can society expect the oppressed, or those who believe they are oppressed, to act when society's official avenues of recourse are closed to them?

Federal Law

The Commission finds that the raid of December 4, 1969, was not executed in compliance with the Fourth Amendment guarantees against unreasonable search and seizures; that there is probable cause to believe that the Civil Rights Statutes, Title 18, Sections 241 and 242, of the United States Code, were violated in the raid by the imposition of summary punishment on the Panthers with the intent to deny them their constitutionally protected rights to due process; and that the federal grand jury, in failing to return indictments against certain Chicago and Cook County police and other officials for their raid-related conduct, failed in its duty to proceed against violations of civil liberties.

Summary

The federal grand jury report found instances of official misfeasance, malfeasance, and nonfeasance related to investigations of

the raid. It also established what the Commission deems to be a prima facie case of illegal denial of the constitutional rights of the residents of the apartment. Nonetheless, the federal grand jury and the first state grand jury failed to return any indictments against the officials, and, instead, the first state grand jury indicted the survivors. The attitude of both grand juries appears to have been that the Panthers were dangerous, and, consequently, that any excesses by the police against them could be excused. The Commission deplores that approach.

One of the primary purposes of the criminal law is deterrence. If no attempt is made to prosecute the police in instances of apparent misconduct, such as appear to be present in this case, then it seems likely that police misconduct will continue in the future. It is perhaps too much to expect, at least until police service is thoroughly professionalized, that an officer in the course of a raid against people who he honestly believes intend to harm him would refrain from taking violent action to protect himself. To state that one understands, and perhaps is forced to accept, such a position does not, however, change the Commission's conclusion. It merely focuses attention on the culpable parties.

In other words, it would be perfectly proper to indict those officials who participated in the planning of the raid without indicting all of the participants, and if more evidence were obtained with respect to the roles of various of the officers, it might be proper to indict those police with respect to whom probable cause was found without indicting all of them. Clearly, however, it is unacceptable to conclude that because some of the police may not be guilty of any crime, none of them is. To follow such a course of action may well have the effect of increasing the number of instances of unjustified and unjustifiable police violence. The Commission is concerned, as all people must be, with the protection of police lives; it is also concerned, however, with the preservation of the lives of all persons, including those who may be suspected of having committed crimes. Summary execution is not tolerable; arbitrary punishment cannot be condoned. The best method for minimizing senseless killings and injuries seems to lie in establishing a situation where all people can expect justice; the Chicago incident seems calculated to foster a different result.

4. "The FBI's Efforts to Disrupt and Neutralize the Black Panther Party"

In the three-volume report issued in 1976 by the U.S. Senate's Select Committee to Study Governmental Operations (more commonly known as the Church Committee Report), readers were provided with a comprehensive examination of how government agencies monitored the activities of countless activists during the late 1960s and early 1970s. Based on a summation and presentation of FBI memos and reports, these excerpts detail how Chicago agents, making use of the strategy "divide and conquer," sought to engender tensions between the local chapter of the Black Panther Party and a gang known as the Blackstone Rangers, as well as how the FBI provided information that was used in the raid on Fred Hampton's apartment.

INTRODUCTION . . .

The Black Panther Party (BPP) was not among the original "Black Nationalist" targets. In September 1968, however, FBI Director J. Edgar Hoover described the Panthers as:

> the greatest threat to the internal security of the country.
>
> Schooled in the Marxist-Leninist ideology and the teaching of Chinese Communist leader Mao Tse-tung, its members have perpetrated numerous assaults on police officers and have engaged in violent confrontations with police throughout the country. Leaders and representatives of the Black Panther Party travel extensively all over the United States preaching their gospel of hate and violence not only to ghetto residents, but to students in colleges, universities and high schools as well.[3]

3. New York Times, 9/8/68.

By July 1969, the Black Panthers had become the primary focus of the program, and were ultimately the target of 233 of the total 295 authorized "Black Nationalist" COINTELPRO actions.[4]

Although the claimed purpose of the Bureau's COINTELPRO tactics was to prevent violence, some of the FBI's tactics against the BPP were clearly intended to foster violence, and many others could reasonably have been expected to cause violence.

This report focuses solely on the FBI's counterintelligence program to disrupt and "neutralize" the Black Panther Party. It does not examine the reasonableness of the basis for the FBI's investigation of the BPP or seek to justify either the politics, the rhetoric, or the actions of the BPP. This report does demonstrate, however, that the chief investigative branch of the Federal Government, which was charged by law with investigating crimes and preventing criminal conduct, itself engaged in lawless tactics and responded to deep-seated social problems by fomenting violence and unrest.

A. THE EFFORT TO PROMOTE VIOLENCE BETWEEN THE BLACK PANTHER PARTY AND OTHER WELL-ARMED, POTENTIALLY VIOLENT ORGANIZATIONS

The Select Committee's staff investigation has disclosed a number of instances in which the FBI sought to turn violence-prone organizations against the Panthers in an effort to aggravate "gang warfare." Because of the milieu of violence in which members of the Panthers often moved we have been unable to establish a direct link between any of the FBI's specific efforts to promote violence and particular acts of violence that occurred. We have been able to establish beyond doubt, however, that high officials of the FBI desired to promote violent confrontations between BPP members and members of other groups, and that those officials condoned tactics calculated to achieve that end. It is

4. This figure is based on the Select Committee's staff study of Justice Department COINTELPRO "Black Nationalist" summaries prepared by the FBI during the Petersen Committee inquiry into COINTELPRO.

deplorable that officials of the United States Government should engage in the activities described below, however dangerous a threat they might have considered the Panthers; equally disturbing is the pride which those officials took in claiming credit for the bloodshed that occurred.

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2. The Effort to Promote Violence Between the Blackstone Rangers and the Black Panther Party

In late 1968 and early 1969, the FBI endeavored to pit the Blackstone Rangers, a heavily armed, violence-prone organization, against the Black Panthers.[46] In December 1968, the FBI learned that the recognized leader of the Blackstone Rangers, Jeff Fort, was resisting Black Panther overtures to enlist "the support of the Blackstone Rangers."[47] In order to increase the friction between these groups, the Bureau's Chicago office proposed sending an anonymous letter to Fort, informing him that two prominent leaders of the Chicago BPP had been making disparaging remarks about his "lack of commitment to black people generally." The field office observed:

46. There is no question that the Blackstone Rangers were well-armed and violent. The Chicago police had linked the Rangers and rival gangs in Chicago to approximately 290 killings from 1965–69. Report of Captain Edward Buckney, Chicago Police Dept., Gang Intelligence Unit, 2/23/70, p. 2. One Chicago police officer, familiar with the Rangers, told a Committee staff member that their governing body, the Main 21, was responsible for several ritualistic murders of black youths in areas the gang controlled. (Staff summary of interview with Renault Robinson, 9/25/75.)

47. Memorandum from Chicago Field Office to FBI Headquarters, 12/16/68. Fort also had a well-earned reputation for violence. Between September 1964 and January 1971, he was charged with more than 14 felonies, including murder (twice), aggravated battery (seven times), robbery (twice), and contempt of Congress. (Select Committee staff review of FBI criminal records.) A December 1968 FBI memorandum noted that a search of Fort's apartment had turned up a .22 caliber, four-shot derringer pistol. (Memorandum from Chicago Field Office to FBI Headquarters, 12/12/68, p. 2.)

> Fort is reportedly aware that such remarks have been circulated, but is not aware of the identities of the individual responsible. He has stated that he would "take care of" individuals responsible for the verbal attacks directed against him.
>
> Chicago, consequently, recommends that Fort be made aware that [name deleted] and [name deleted] together with other BPP members locally, are responsible for the circulation of these remarks concerning him. It is felt that if Fort were to be aware that the BPP was responsible, it would lend impetus to his refusal to accept any BPP overtures to the Rangers and *additionally might result in Fort having active steps taken to exact some form of retribution toward the leadership of the BPP*. [Emphasis added in Report.][48]

On about December 18, 1968, Jeff Fort and other Blackstone Rangers were involved in a serious confrontation with members of the Black Panther Party.

During that day twelve members of the BPP and five known members of the Blackstone Rangers were arrested on Chicago's South Side.[49] A report indicates that the Panthers and Rangers were arrested following the shooting of one of the Panthers by a Ranger.[49a]

That evening, according to an FBI informant, around 10:30 p.m., approximately thirty Panthers went to the Blackstone Rangers' headquarters at 6400 South Kimbark in Chicago. Upon their arrival Jeff Fort invited Fred Hampton, Bobby Rush and the other BPP members to come upstairs and meet with him and the Ranger leadership.[49b] The Bureau goes on to describe what transpired at this meeting:

> . . . everyone went upstairs into a room which appeared to be a gymnasium, where Fort told Hampton and Rush

48. Memorandum from Chicago Field Office to FBI Headquarters, 12/16/68, p. 2.

49. Letter Head Memorandum, 12/20/68.

49a. From confidential FBI interview with inmate at the House of Correction, 26th and California St. in Chicago, 11/12/69.

49b. Letterhead Memorandum, 12/20/68.

> that he had heard about the Panthers being in Ranger territory during the day, attempting to show their "power" and he wanted the Panthers to recognize the Rangers' "power." Source stated that Fort then gave orders, via walkie-talkie, whereupon two men marched through the door carrying pump shotguns. Another order and two men appeared carrying sawed off carbines then eight more, each carrying a .45 caliber machine gun, clip type, operated from the shoulder or hip, then others came with over and under type weapons. Source stated that after this procession Fort had all Rangers present, approximately 100, display their side arms and about one half had .45 caliber revolvers. Source advised that all the above weapons appeared to be new.
>
> Source advised they left the gym, went downstairs to another room where Rush and Hampton of the Panthers and Fort and two members of the Main 21 sat by a table and discussed the possibility of joining the two groups. Source related that Fort took off his jacket and was wearing a .45 caliber revolver shoulder holster with gun and had a small caliber weapon in his belt.
>
> Source advised that nothing was decided at the meeting about the two groups actually joining forces, however, a decision was made to meet again on Christmas Day. Source stated Fort did relate that the Rangers were behind the Panthers but were not to be considered members. Fort wanted the Panthers to join the Rangers and Hampton wanted the opposite, stating that if the Rangers joined the Panthers, then together they would be able to absorb all the other Chicago gangs. Source advised Hampton did state that they couldn't let the man keep the two groups apart. Source advised that Fort also gave Hampton and Rush one of the above .45 caliber machine guns to "try out."
>
> Source advised that based upon conversations during this meeting, Fort did not appear over anxious to join forces with the Panthers, however, neither did it appear that he wanted to terminate meeting for this purpose.[49c]

49c. *Ibid.*, pp. 3–4.

On December 26, 1968 Fort and Hampton met again to discuss the possibility of the Panthers and Rangers working together. This meeting was at a South Side Chicago bar and broke up after several Panthers and Rangers got into an argument.[49d] On December 27, Hampton received a phone call at BPP Headquarters from Fort telling him that the BPP had until December 28, 1968 to join the Blackstone Rangers. Hampton told Fort he had until the same time for the Rangers to join the BPP and they hung up.[49e]

In the wake of this incident, the Chicago office renewed its proposal to send a letter to Fort, informing FBI headquarters:

> As events have subsequently developed . . . the Rangers and the BPP have not only not been able to form any alliance, but enmity and distrust have arisen, to the point where each has been ordered to stay out of the other's territory. The BPP has since decided to conduct no activity or attempt to do recruiting in Ranger territory.[50]

The proposed letter read:

> Brother Jeff:
>
> I've spent some time with some Panther friends on the west side lately and I know what's been going on. The brothers that run the Panthers blame you for blocking their thing and *there's supposed to be a hit out for you.* I'm not a Panther, or a Ranger, just black. From what I see these Panthers are out for themselves not black people. I think you ought to know what they're up to, I know what I'd do if I was you. You might hear from me again.
>
> (sgd.) A black brother you don't know.
>
> [Emphasis added in Report.][51]

49d. FBI Special Agent Informant Report, 12/30/68.

49e. *Ibid.*

50. Memorandum from Chicago Field Office to FBI Headquarters, 1/10/69.

51. Memorandum from Chicago Field Office to FBI Headquarters, 1/13/69, p. 1.

The FBI's Chicago office explained the purpose of the letter as follows:

> It is believed the above may intensify the degree of animosity between the two groups and occasion Fort to take retaliatory action which could disrupt the BPP or lead to reprisals against its leadership.
>
> Consideration has been given to a similar letter to the BPP alleging a Ranger plot against the BPP leadership; however, it is not felt this would be productive principally because the BPP at present is not believed as violence prone as the Rangers to whom violent type activity—shooting and the like—is second nature.[52]

On the evening of January 13, 1969, Fred Hampton and Bobby Rush appeared on a Chicago radio talk show called "Hot Line." During the course of the program Hampton stated that the BPP was in the "process of educating the Blackstone Rangers."[52a] Shortly after that statement Jeff Fort was on the phone to the radio program and stated that Hampton had his facts confused and that the Rangers were educating the BPP.[52b]

On January 16, Hampton, in a public meeting, stated that Jeff Fort had threatened to blow his head off if he came within Ranger territory.[52c]

On January 30, 1969, [FBI] Director [J. Edgar] Hoover authorized sending the anonymous letter.[53] While the Committee staff could find no evidence linking this letter to subsequent clashes

52. *Ibid.*

52a. Memorandum from Special Agent to SAC, Chicago, 1/15/69.

52b. *Ibid.*

52c. Memorandum from Special Agent to SAC, Chicago, 1/28/69, reporting on informant report.

53. Memorandum from FBI Headquarters to Chicago Field Office, 1/30/69.

between the Panthers and the Rangers, the Bureau's intent was clear.[54]

B. THE EFFORT TO DISRUPT THE BLACK PANTHER PARTY BY PROMOTING INTERNAL DISSENSION

1. General Efforts to Disrupt the Black Panther Party Membership

In addition to setting rival groups against the Panthers, the FBI employed the full swing of COINTELPRO techniques to create rifts and factions within the Party itself, which it was believed would "neutralize" the Party's effectiveness.[55]

Anonymous letters were commonly used to sow mistrust. For example, in March 1969 the Chicago FBI Field Office learned that a local BPP member feared that a faction of the Party, allegedly led by Fred Hampton and Bobby Rush, was "out to get" him.[56] Headquarters approved sending an anonymous letter to Hampton which was drafted to exploit dissension within the BPP as well as to play on mistrust between the Blackstone Rangers and the Chicago BPP leadership:

> Brother Hampton:
>
> Just a word of warning. A Stone friend tells me [name deleted] wants the Panthers and is looking for somebody to get you out of the way. Brother Jeff is supposed to be

54. There are indications that a shooting incident between the Rangers and the Panthers on April 2, 1969, in a Chicago suburb may have been triggered by the FBI. According to Bobby Rush, coordinator of the Chicago BPP at the time, a group of armed BPP members had confronted the Rangers because Panther William O'Neal—who has since surfaced as an FBI informant—had told them that a Panther had been shot by Blackstone Rangers and had insisted that they retaliate. This account, however, has not been confirmed. (Staff summary of interview with Bobby Rush, 11/26/75.)

55. The various COINTELPRO techniques are described in detail in the Staff Report on COINTELPRO.

56. Memorandum from Chicago Field Office to FBI Headquarters, 3/24/69.

> interested. I'm just a black man looking for blacks working together, not more of this gang banging.[57]

Bureau documents indicate that during this time an informant within the BPP was also involved in maintaining the division between the Panthers and the Blackstone Rangers.[57a]

In December 1968, the Chicago FBI Field Office learned that a leader of a Chicago youth gang, the Mau Mau's, planned to complain to the national BPP headquarters about the local BPP leadership and questioned its loyalty.[58] FBI headquarters approved an anonymous letter to the Mau Mau leader, stating:

> Brother [deleted]:
>
> I'm from the south side and have some Panther friends that know you and tell me what's been going. I know those two [name deleted] and [name deleted] that run the Panthers for a long time and those mothers been with every black outfit going where it looked like they was something in it for them. The only black people they care about is themselves. *I heard too they're sweethearts* and that [name deleted] has worked for the man that's why he's not in Viet Nam. Maybe that's why they're just playing like real Panthers. I hear a lot of the brothers are with you and want those mothers out but don't know how. The Panthers need real black men for leaders not freaks. Don't give up brothers. [Emphasis added in Report.][59]
>
> A black friend.

57. Memorandum from FBI Headquarters to Chicago Field Office, 4/8/69.

57a. Memorandum from Chicago Field Office to FBI Headquarters, 1/28/69.

58. Memorandum from Chicago Field Office to FBI Headquarters, 12/30/68.

59. Memorandum from FBI Headquarters to Chicago Field Office, 1/30/69.

Information from Bureau files in Chicago on the Panthers was given to Chicago police upon request, and Chicago Police Department files were open to the Bureau.[165] A Special Agent who handled liaison between the FBI's Racial Matters Squad (responsible for monitoring BPP activity in Chicago) and the Panther Squad of the Gang Intelligence Unit (GIU) of the Chicago Police Department from 1967 through July 1969, testified that he visited GIU between three and five times a week to exchange information.[166] The Bureau and Chicago Police both maintained paid informants in the BPP, shared informant information, and the FBI provided information which was used by Chicago police in planning raids against the Chicago BPP.[167]

According to an FBI memorandum, this sharing of informant information was crucial to police during their raid on the apartment occupied by several Black Panther members which resulted in the death of the local Chairman, Fred Hampton, and another Panther:

> [Prior to the raid], a detailed inventory of the weapons and also a detailed floor plan of the apartment were furnished to local authorities. In addition, the identities of BPP members utilizing the apartment at the above address were furnished. This information was not available from any other source and subsequently proved to be of tremendous value in that it subsequently saved injury and possible death to police officers participating in a raid . . . on the morning of 12/4/69. The raid was based on the information furnished by the informant . . . [Emphasis added in Report.][168]

165. Special Agent deposition, 2/26/75, p. 90.

166. Special Agent deposition, 2/26/75, p. 84. The Agent also testified that other FBI agents in the Racial Matters Squad were also involved in the "free flow of information between the Racial Matters Squad and GIU," and that at one time or another, every agent had exchanged information with GIU.

167. Memorandum from Chicago Field Office to FBI Headquarters, 12/3/69, p. 2; memorandum from Special Agent to Chicago Field Office, 12/12/69.

168. Memorandum from Chicago Field Office to FBI Headquarters, 12/8/69.

5. "Angela Davis: An Autobiography"

Among the activists who supported the prisoners' rights movement of the late 1960s and early 1970s was Angela Davis. In this excerpt from her 1974 autobiography, Davis, an outspoken member of the American Communist party and a staunch crusader for racial and social justice, recounts the early days of her involvement in the prisoners' rights movement and her support of the efforts of the three inmates known as the Soledad Brothers, especially George Jackson.

Around the middle of February [1970] I picked up the Los Angeles *Times* and noticed on the front page a large photograph of three very striking Black men. Their faces were serene and strong, but their waists were draped in chains. Chains bound their arms to their sides and chains shackled their legs. "They are still trying to impress upon us that we have not yet escaped from bondage," I thought. Angry and frustrated, I began to read the story. It was about Soledad Prison.

Soledad Prison was a household word in the Black community. During my last two years in Los Angeles, I must have heard it a million times. There was San Quentin, there was Folsom—and there was Soledad. . . .

The L.A. *Times* article reported the indictment of George Jackson, John Clutchette and Fleeta Drumgo for the murder of a guard at Soledad Prison. An entire month had elapsed since the killing took place. Why had it taken so long to return the indictments? I wondered why the author had not commented on this time lag. The article reeked of deception and evasiveness. It seemed that the *Times* was trying to turn public opinion against the accused men even before the trial got started. If one accepted the article on its face, one would have come away with the assumption that the three men were guilty.

During the next three days, I kept thinking of the faces of those brothers. Three beautiful virile faces pulled out of the horrible anonymity of prison life.

A few weeks later, the Che-Lumumba Club was contacted about a meeting on the Soledad situation. It was being arranged by the

Los Angeles "Committee to Defend the Bill of Rights," which wanted to discuss the mounting of a mass campaign to free the three from Soledad.

I was drowning in work, but I simply couldn't stop thinking about those three haunting faces in the newspaper. I had to attend the meeting; even if I only became involved in a minimal way, at least I would be doing something.

The night of the meeting, Tamu, Patrice Neal—another club member—and I went down to the rundown old Victoria Hall. (It had been famous once for its swinging Saturday night dances. Now, in this hall, people were no longer having fun. They were talking about a very serious thing, about liberation.)

About a hundred people answered the call. Though they were predominantly Black, a sizeable number of white people had turned up as well. There were young people, older people and people who were obviously attending their first political meeting. There were those who had come because they had sons, husbands and brothers in Soledad Prison.

Seated behind the long tables stretched across the front of the hall were Fay Stender, lawyer for George Jackson, George's mother and sisters—Georgia, Penny and Frances Jackson—Inez Williams, Fleeta's mother, and Doris Maxwell, the mother of John Clutchette.

Speaking of Soledad, Fay Stender explained that from the warden down to the guards, the prison hierarchy had a long history of promoting racial enmity in the prison population. As long as the Black, Chicano and white prisoners were at each other's necks, the prison administration knew they would not have to worry about serious challenges to their authority.

As in an old Southern town, segregation in Soledad Prison was almost total. All activities were arranged so that racial mingling would not occur—or so that when it did occur, the prisoners would be in a posture of battle. With the collaboration of some of the white prisoners, Soledad had developed its own counterpart to the Ku Klux Klan—a group called the "Aryan Brotherhood." Tension in the prison was so thick that even the most innocuous meeting between the races was bound to set off an explosion.

Before January 13, 1970, exercise periods, like everything else, were segregated. On that day, with no explanation, the guards

sent Black, Chicano and white prisoners to exercise together in the newly constructed yard. Not a single guard was assigned to accompany them. The explosion was inevitable. A fight erupted between a Black prisoner and a white prisoner, and within a few minutes, there was havoc.

O. G. Miller had the reputation of being a hardline racist, and was known to be an expert marksman. He was stationed in the gun tower that day. He carefully aimed his carbine and fired several times. Three men fell: W. L. Nolen, Cleveland Edwards, Alvin Miller. They were all Black. A few days later the Monterey County Grand Jury was convened to hear the case of O. G. Miller. As could have been predicted, he was absolved of all responsibility for the deaths of the three brothers. The Grand Jury ruled that he had done nothing more serious than commit "justifiable homicide."

There was a brutal familiarity about this story. As I listened to Fay Stender's narration, the specter of Leonard Deadwilder invaded my thoughts. As he was rushing his pregnant wife to the hospital in Los Angeles, a white handkerchief attached to the antenna to indicate an emergency, the cops stopped him for speeding and without even seeking an explanation, they shot him to death. It was called justifiable homicide by the courts. I remembered Gregory Clark, the eighteen-year-old Black child who was stopped by the police because "he didn't look like he fit the Mustang he was driving." Though Gregory Clark was himself unarmed, the cop said he moved in self-defense. As the brother lay defenseless, face down on a hot ghetto sidewalk, his hands cuffed behind him, he was shot in the back of the head. Later the courts ruled that the cop had committed "justifiable homicide."

"Justifiable Homicide"—these innocuously official words conjured up the untold numbers of unavenged murders of my people.

Fay Stender's story recaptured my attention. She was talking about the Soledad prisoners' proud attempts to challenge this judicial endorsement of a clearly racist assassination. Spontaneously and with the intense desperation of men in chains, the Black prisoners had shouted unexecutable threats meant for the assassin O. G. Miller, and banged angrily at the bars of their cells. Soledad Prison pulsated with resistance. A guard inadvertently

stumbled into the brothers' fierce but chaotic rebellion and was engulfed by their collective desire for revenge. No one knew who pushed the guard over the railing.

This was the beginning of the story of George Jackson, John Clutchette and Fleeta Drumgo. There was no evidence that they had killed the guard. But there was evidence that George, John and Fleeta were "militants"; they had been talking with their fellow captives about the theory and practice of liberation. The prison bureaucracy was going to hold them symbolically responsible for the spontaneous rebellion enacted by the prisoners. They were charged with the murder of the guard. The prison hierarchy wanted to throw them into San Quentin's death chamber and triumphantly parade their gassed bodies before thousands of California prisoners, as examples of what the prison and the State did to those who refused to observe the silence of acceptance.

Fay Stender's legal analysis left us to suffer in the privacy of our individual emotions. But when Georgia Jackson began to speak, her voice brought a new dimension to our meeting, her words expressed her unashamed maternal pain. Georgia Jackson, Black, woman, mother; her infinite strength undergirded her plaintive words about her son.

When she began to talk about George, a throbbing silence came over the hall. "They took George away from us when he was only eighteen. That was ten years ago." In a voice trembling with emotion, she went on to describe the incident which had robbed him of the little freedom he possessed as a young boy struggling to become a man. He was in a car when its owner—a casual acquaintance of his—had taken seventy dollars from a service station. Mrs. Jackson insisted that he had been totally oblivious of his friend's designs. Nevertheless, thanks to an inept, insensitive public defender, thanks to a system which had long ago stacked the cards against young Black defendants like George, he was pronounced guilty of robbery. The matter of his sentencing was routinely handed over to the Youth Authority.

With angry astonishment I listened to Mrs. Jackson describe the sentence her son had received: One year to life in prison. One to life. And George had already done ten times the minimum. I was paralyzed by the thought of the absolute irreversibility of his last decade. And I was afraid to let my imagination trace out the

formidable reality of those ten years in prison. A determination began to swell in me to do everything within the limits of the possible to save George from the gas chamber.

Fleeta Drumgo was his mother's only son. She spoke about her pain quietly but intensely, and appealed to us to rescue her son from his enemies. The mother of John Clutchette told us how she had received a note bearing the single word "Help." This was the first sign that the three brothers were being set up by the prison bureaucracy. Alone she could do nothing to help John, Fleeta or George. Only we, the people, could hope to stop the legal lynching which was planned for them.

By the time these women had finished, the prosecution appeared to have the logic and coherence of a conspiracy against the brothers—against them, their politics, their principles, their commitment. There was only one question: What were we prepared to do to prevent the consummation of the conspiracy? We addressed ourselves to the details of building a mass movement to fight for our brothers' freedom. The chairperson asked for volunteers to participate in the various subcommittees which needed to be set up—fund-raising, publicity, research, etc.

Although I already felt totally committed to George, John and Fleeta, I knew that I had too many responsibilities to assume a major role in the defense committee. The fight for my job raged on and was sending me up and down the California coast, exposing and challenging Ronald Reagan, and seeking support for our side. I was active in the Che-Lumumba Club, working in the area of political education. And, of course, I had to prepare for the two sets of lectures I was giving at UCLA. I was already killing myself trying to fulfill all these responsibilities. How could I possibly find time to be active on a day-to-day basis in the Soledad Brothers Defense Committee?

Even though these were my thoughts as the subcommittees were being constituted, my arm shot up when they asked for volunteers for the subcommittee on campus involvement. Something more elemental than timetables and prior commitments had seized me and made me agree to coordinate the committee's efforts in the local colleges and universities.

The decision had been made. How to find time was a secondary question. I thought about my initial reluctance to take on a

substantial role. How presumptuous it had been to weight the outcome of the fight for my job against the outcome of the fight for the lives of these men. At UCLA I was fighting for my right as a Black woman, as a Communist, as a revolutionary, to hold on to my job. In Soledad Prison, George Jackson, John Clutchette, Fleeta Drumgo were fighting for their rights as Black men, as revolutionaries, to hold on to their *lives*. Same struggle. Same enemies.

The majority of the students and professors—except on the very reactionary campuses—agreed at least in principle with my academic freedom to teach, regardless of the fact that I was a Communist. I could utilize the widespread interest in the struggle around my job and the natural curiosity of people who wanted to see "a real, live, self-avowed Communist" to get onto the campuses and to call for support of the Soledad Brothers.

At the end of the meeting at Victoria Hall, the members of the campus subcommittee got together and decided to hold the first meeting the following week. I volunteered Kendra and Franklin's place on 50th Street. In the meantime we would try to recruit sympathetic students and professors from schools in the area to attend the meeting. We would try to devise proposals for the organizing efforts we were going to carry out in the Los Angeles academic community.

I left the meeting with a new sense of direction. I thought about George, John and Fleeta. We had to find some way to let them know that they were no longer alone. That soon there would be thousands of combative voices shouting "Free the Soledad Brothers" and thousands willing to fight for them.

Within a few short weeks, the campaign to free the Soledad Brothers was being talked about all over the Black community, the college campuses and Left political circles throughout the city. Our "Free the Soledad Brothers" buttons were being worn by many people. A brother in the BSU at UCLA had donated some silk-screen posters of the brothers, and a printing operation had produced masses of them at no cost to the committee. Wherever movement activities were going on—meetings, rallies, conferences—and at concerts and other events in the Black community, there were always committee activists, armed with literature, posters and buttons, inviting people to attend our weekly meetings at the 50th Street house. . . .

Our work was gaining momentum, and its impact on the community was growing stronger. The committee's numbers were increasing each week, reflecting the growth in strength of the broader defense campaign. I stepped up my own personal involvement. No requests for speaking engagements were turned down—but I made it clear that any speech I gave would be on the Soledad Brothers case, and whatever honorarium I received would be donated to the Soledad Brothers Defense Fund. Loyola College in L.A. Pasadena City College. University of San Francisco. University of the Pacific. Monterey Junior College. University of California at Santa Cruz. Palisades High School. There were also the churches and the social groups, including sororities and fraternities that were being stimulated by the growing political involvement of the sisters and brothers around them.

I had become so totally immersed in traveling and speaking engagements that when a pretrial hearing took place in Monterey County on May 8, I could not join the delegation from our committee. I had never seen the Soledad Brothers and had been looking forward to attending the hearing, if only to catch a glimpse of them. A few days earlier, I had received a message from George, saying that they were all eager to see us.

The Bay Area Soledad Committee had done an excellent job of mobilizing people to attend the hearing. The line outside Judge Campbell's courtroom stretched down the other end of the corridor. While it was good to see so many people already involved in the campaign, I was distressed by the fact that so few Black people were there. (Later, I discovered that the problem was the composition of the committee—it was active and had attracted numbers of enthusiastic members, but the Black people on the committee could be counted on one hand.)

When Georgia [Jackson] saw all the people, she told me that it didn't make sense for us to stand in this long line; the courtroom couldn't even seat all those already waiting. I had never felt so crushed. After all the shifting of schedules to make time for the

hearing; after all the feverish running around to make sure we arrived on time; after all this, I wasn't going to get in. Full of rage, I saw myself standing outside the doors while the hearing took place, waiting breathlessly for some news of the proceedings.

Georgia tried to cheer me up by saying that there was still a chance that something could be arranged. [Cheryl] Dearmon and I took the hint, and when the bailiffs opened the doors for the families, we both slipped inconspicuously into the chambers.

Inside the crowded courtroom, the silence palpitated with the frustration of people powerfully stimulated by the tangible presence of the enemy. The redfaced bailiffs stationed along the walls stared at us with the hostility they had learned for their role. We waited. I hoped that something would soon happen to break this incredible tension before it exploded of its own accord.

Despite, or because of, this intense waiting, the sudden appearance of a fat, hard-looking uniformed white man startled us all. As he waddled through the door behind the bench, he epitomized the fascist atmosphere of this hearing. We knew already that Judge Campbell would try to tighten the knots of the conspiracy. He would try to lock the Brothers more securely into a fate leading unwaveringly to the death chamber. The presence of this Soledad guard was supposed to instill awe and fear in us. We were supposed to feel impotent before the apparatus he represented. We were supposed to already smell the odor of cyanide.

But we did not feel afraid, we did not feel impotent. And we vigorously applauded the heroes of our struggle as they strode proudly, courageously, powerfully into the courtroom. The chains draping their bodies did not threaten us; they were there to be broken, destroyed, smashed. The sight of those shackles designed to alarm us, to make the prisoners appear "dangerous," "mad," only made us itch to tear the metal from their wrists, their ankles. I knew that my own anger was shared by all. The bile rose in my throat. But more powerful than the taste of outrage was the dominating presence of the Brothers, for the Brothers were beautiful. Chained and shackled, they were standing tall and they were beautiful.

George looked even more vibrant than I had imagined. I had thought that the scars of the last decade would be immediately apparent. But there was not a trace of resignation, not the least

stamp of the bondage in which he spent all the years of his adult life. He walked tall, with more confidence than I had ever seen before. His shoulders were broad and muscular, his tremendous arms sculptures of ancient strength, and his face revealed the depth of his understanding of our collective condition and his own refusal to be overwhelmed by this oppression. I could hardly believe the refreshing beauty of his smile. . . .

It was so wrong that they should be the ones to wear these clanging chains. Whatever the time it took, whatever the energy, these chains would be broken.

My communications with George became more regular. We too grew closer. As we agreed and disagreed with each other on political questions, a personal intimacy also began to develop between us. In his letters, which dealt for the most part with subjects such as the need to popularize communist ideas among the Black masses, the need to develop the prison movement, the role of women in the movement, etc., George also talked about himself, his past life, his own personal desires and aspirations, his fantasies about women, his feelings about me. "I've been thinking about women a lot lately," he once wrote. "Is there anything sentimental or otherwise wrong with that? That couldn't be. It's never bothered me too much before, the sex thing. I would do my exercise and the hundreds of katas, stay busy with something . . ."

I came to know George not only through the letters we exchanged, but also through the people who were close to him—through Jon and the rest of the Jackson family, through John Thorne, who, as his lawyer, saw him regularly. The closer I felt to George, the more I found myself revealing to those who knew George a side of me I usually kept hidden except from the most intimate of friends. In the letters I managed to get to him I responded not only to the political questions he posed; I also told him that my feelings for him had grown deeper than political commitment to struggle for his freedom; I felt a personal commitment as well.

George knew about the tons of hate mail which poured into my office at UCLA demanding that I be expelled from the university. He knew about the many threats which had been made on my

life and was concerned for my safety. George was aware that whenever I appeared in a public situation, sisters and brothers from the Che-Lumumba Club did security duty. Yet, he didn't think this was enough. From his own experience—behind walls—he was convinced one could never be too vigilant. Besides, the sisters and brothers from Che-Lumumba were necessarily abstract for him. He had never seen them and knew them only through my letters. He knew and trusted Jonathan much more than anyone else on this side of the walls. He wrote me that he wanted Jon to stay with me as much as possible. Jon also received a message from his brother asking him to make sure that I was secure from the racists and reactionaries who might try to make me a martyr.

When George's book *Soledad Brother* was being prepared for publication, he asked me to read over the manuscript and make suggestions for improvements. The evening I received it, I thought I would skim through a few of the letters, saving the bulk of the book for another time. But once I got started, it was impossible to put the manuscript down until I had seen every word—from the first letter to the last. I was astounded. The formidable magnetism of the letters came not only from their content, not only from the way they traced George's personal and political evolution over the last five years—but even more from the way they articulated so clearly, so vividly, the condition of our people inside prison walls and outside. And in several passages George stated so precisely, so naturally, the reasons our liberation could only be achieved through socialism.

6. Letter from George Jackson

With the publication of his* Soledad Brother *in 1970, inmate George Jackson came to be viewed as a thoughtful and authoritative voice against the American criminal justice and penal systems. In this letter to his lawyer, Fay Stender, Jackson points to the historic role of prisons, his sentencing and that of countless other black men for "political-economic" causes, and the brutal attempts to dehumanize those incarcerated. On August 21, 1971, Jackson was shot to death in San Quentin prison, where he had been transferred; prison officials claimed he was attempting to escape.

Dear Fay,

On the occasion of your and Senator Dymally's tour and investigation into the affairs here at Soledad, I detected in the questions posed by your team a desire to isolate some rationale that would explain why racism exists at the prison with "particular prominence." Of course the subject was really too large to be dealt with in one tour and in the short time they allowed you, but it was a brave scene. My small but mighty mouthpiece, and the black establishment senator and his team, invading the state's maximum security row in the worst of its concentration camps. I think you are the first woman to be allowed to inspect these facilities. Thanks from all. The question was too large, however. It's tied into the question of why all these California prisons vary in character and flavor in general. It's tied into the larger question of why racism exists in this whole society with "particular prominence," tied into history. Out of it comes another question: Why do California joints produce more Bunchy Carters and Eldridge Cleavers than those over the rest of the country?

I understand your attempt to isolate the set of localized circumstances that give to this particular prison's problems of race is based on a desire to aid us right now, in the present crisis. There are some changes that could be made right now that would alleviate some of the pressures inside this and other prisons. But to get at the causes, you know, one would be forced to deal with questions at the very center of Amerikan political and economic life, at the core of the Amerikan historical experience. This prison didn't come to exist where it does just by happenstance. Those who inhabit it and feed off its existence are historical products. The great majority of Soledad pigs are southern migrants who do not want to work in the fields and farms of the area, who couldn't sell cars or insurance, and who couldn't tolerate the discipline of the army. And of course prisons attract sadists. After one concedes that racism is stamped unalterably into the present nature of Amerikan sociopolitical and economic life in general (the definition of fascism is: a police state wherein the political ascendancy is tied into and protects the interests of the upper class—characterized by militarism, *racism,* and imperialism), and concedes further that criminals and crime arise from material,

economic, sociopolitical causes, we can then burn *all* of the criminology and penology libraries and direct our attention where it will do some good.

The logical place to begin any investigation into the problems of California prisons is with our "pigs are beautiful" Governor Reagan, a radical reformer turned reactionary. For a real understanding of the failure of prison policies, it is senseless to continue to study the criminal. All of those who can afford to be honest know that the real victim, that poor, uneducated, disorganized man who finds himself a convicted criminal, is simply the end result of a long chain of corruption and mismanagement that starts with people like Reagan and his political appointees in Sacramento. After one investigates Reagan's character (what makes a turncoat) the next logical step in the inquiry would be a look into the biggest political prize of the state—the directorship of the Department of Correction.

All other lines of inquiry would be like walking backward. You'll never see where you're going. You must begin with directors, assistant directors, adult authority boards, roving boards, supervisors, wardens, captains, and guards. You have to examine these people from director down to guard before you can logically examine their product. Add to this some concrete and steel, barbed wire, rifles, pistols, clubs, the tear gas that killed Brother Billingslea in San Quentin in February 1970 while he was locked in his cell, and the pick handles of Folsom, San Quentin, and Soledad.

To determine how men will behave once they enter the prison it is of first importance to know that prison. Men are brutalized by their environment—not the reverse.

I gave you a good example of this when I saw you last. Where I am presently being held, they never allow us to leave our cell without first handcuffing us and belting or chaining the cuffs to our waists. This is preceded always by a very thorough skin search. A force of a dozen or more pigs can be expected to invade the row at any time searching and destroying personal effects. The attitude of the staff toward the convicts is both defensive and hostile. Until the convict gives in completely it will continue to be so. By giving in, I mean prostrating oneself at their feet. Only then does their attitude alter itself to one of paternalistic condescension. Most convicts don't dig this kind of relationship (though there are some who do love it) with a group of individuals demonstrably inferior to the rest of society in regard to education, culture, and sensitivity. Our cells are so far from the regular dining area that our food is always cold before we get it. Some days there is only one meal that can be called cooked. We *never* get anything but cold-cut sandwiches for lunch. There is no variety to the menu. The same things week after week. One is confined to his cell 23½ hours a day. Overt racism exists unchecked. It is not a case of the pigs trying to stop the many racist attacks; they actively encourage them.

They are fighting upstairs right now. It's 11:10 a.m., June 11. No black is supposed to be on the tier upstairs with anyone but other blacks but—mistakes take place—and one or two blacks end up on the tier with nine or ten white convicts frustrated by the living conditions or openly working with the pigs. The whole ceiling is trembling. In hand-to-hand combat we always win; we lose sometimes if the pigs give them knives or zip guns. Lunch will be delayed today, the tear gas or whatever it is drifts down to sting my nose and eyes. Someone is hurt bad. I hear the meat wagon from the hospital being brought up. Pigs probably gave them some weapons. But I must be fair. Sometimes (not more often than necessary) they'll set up one of the Mexican or white convicts. He'll be one who has not been sufficiently racist in his attitudes. After the brothers (enraged by previous attacks) kick on this white convict whom the officials have set up, he'll fall right into line with the rest.

I was saying that the great majority of the people who live in this area of the state and seek their employment from this institution have overt racism as a *traditional* aspect of their characters. The only stops that regulate how far they will carry this thing come from the fear of losing employment here as a result of the outside pressures to control the violence. That is O Wing, Max (Maximum Security) Row, Soledad—in part anyway.

Take an individual who has been in the general prison population for a time. Picture him as an average convict with the average twelve-year-old mentality, the nation's norm. He wants out, he wants a woman and a beer. Let's say this average convict is white and has just been caught attempting to escape. They may

put him on Max Row. This is the worst thing that will ever happen to him. In the general population facility there are no chains and cuffs. TVs, radios, record players, civilian sweaters, keys to his own cell for daytime use, serve to keep his mind off his real problems. There is also a recreation yard with all sorts of balls and instruments to strike or thrust at. There is a gym. There are movies and a library well stocked with light fiction. And of course there is work, where for two or three cents an hour convicts here at Soledad make paper products, furniture and clothing. Some people actually like this work since it does provide some money for the small things and helps them to get through their day—*without thinking* about their real problems.

Take an innocent con out of this general population setting (because a pig "thought" he may have seen him attempting a lock). Bring him to any part of O Wing (the worst part of the adjustment center of which Max Row is a part). He will be cuffed, chained, belted, pressured by the police who think that every convict should be an informer. He will be pressured by white cons to join their racist brand of politics (they *all* go under the nickname "Hitler's Helpers"). If he is predisposed to help black he will be pushed away—by black. Three weeks is enough. The strongest hold out no more than a couple of weeks. There has been *one* white man only to go through this O Wing experience without losing his balance, without allowing himself to succumb to the madness of ribald, protrusive racism.

It destroys the logical processes of the mind, a man's thoughts become completely disorganized. The noise, madness streaming from every throat, frustrated sounds from the bars, metallic sounds from the walls, the steel trays, the iron beds bolted to the wall, the hollow sounds from a cast-iron sink or toilet.

The smells, the human waste thrown at us, unwashed bodies, the rotten food. When a white con leaves here he's ruined for life. No black leaves Max Row walking. Either he leaves on the meat wagon or he leaves crawling licking at the pig's feet.

Ironic, because one cannot get a parole to the outside prison directly from O Wing, Max Row. It's positively not done. The parole board won't even consider the Max Row case. So a man licks at the feet of the pig not for a release to the outside world but for the privilege of going upstairs to O Wing adjustment

center. There the licking process must continue if a parole is the object. You can count on one hand the number of people who have been paroled to the streets from O Wing proper in all the years that the prison has existed. No one goes from O Wing, Max Row straight to the general prison population. A man *must* go from Max Row to the regular adjustment center facility upstairs. Then from there to the general prison population. Only then can he entertain thoughts of eventual release to the outside world.

One can understand the depression felt by an inmate on Max Row. He's fallen as far as he can into the social trap, relief is so distant that it is very easy for him to lose his holds. In two weeks that little average man who may have ended up on Max Row for *suspicion* of *attempted* escape is so brutalized, so completely without holds, that he will never heal again. It's worse than Vietnam.

He's dodging lead. He may be forced to fight a duel to the death with knives. If he doesn't sound and act more zealous than everyone else he will be challenged for not being loyal to his race and its politics, fascism. Some of these cons support the pigs' racism without shame, the others support it inadvertently by their own racism. The former are white, the latter black. But in here as on the street black racism is a forced *reaction.* A survival adaptation.

The picture I have painted of Soledad's general population facility may have made it sound not too bad at all. That mistaken impression would result from the absence in my description of one more very important feature of the main line—terrorism. A frightening, petrifying diffusion of violence and intimidation is emitted from the offices of the warden and captain. How else could a small group of armed men be expected to hold and rule another much larger group except through *fear?*

We have a gym (inducement to throw away our energies with a ball instead of revolution). But if you walk into this gym with a cigarette burning, you're probably in trouble. There is a pig waiting to trap you. There's a sign "No Smoking." If you miss the sign, trouble. If you drop the cigarette to comply, trouble. The floor is regarded as something of a fire hazard (I'm not certain what the pretext is). There are no receptacles. The pig will pounce. You'll be told in no uncertain terms to scrape the cigarette from the floor with your hands. It builds from there. You have a gym

but only certain things may be done and in specified ways. Since the rules change with the pigs' mood, it is really safer for a man to stay in his cell. . . .

Fay, have you ever considered what type of man is capable of handling absolute power? I mean how many would not abuse it? Is there any way of isolating or classifying generally who can be trusted with a gun and *absolute* discretion as to who he will kill? I've already mentioned that most of them are KKK types. The rest, all the rest, in general, are so stupid that they shouldn't be allowed to run their own bath. A *responsible* state government would have found a means of weeding out most of the savage types that are drawn to gunslinger jobs long ago. How did all these pigs get through?! Men who can barely read, write, or reason. How did they get through?! You may as well give a baboon a gun and set him loose on us!! It's the same in here as on the streets out there. *Who* has loosed this thing on an already suffering people? The Reagans, Nixons, the men who have, who own. Investigate them!! There are no qualifications asked, no experience necessary. Any fool who falls in here and can sign his name might shoot me tomorrow from a position thirty feet above my head with an automatic military rifle!! He could be dead drunk. It could really be an accident (a million to one it won't be, however), but he'll be protected still. He won't even miss a day's wages.

The textbooks on criminology like to advance the idea that prisoners are mentally defective. There is only the merest suggestion that the system itself is at fault. Penologists regard prisons as asylums. Most policy is formulated in a bureau that operates under the heading Department of Corrections. But what can we say about these asylums since *none* of the inmates are ever cured. Since in every instance they are sent out of the prison more damaged physically and mentally than when they entered. Because that is the reality. Do you continue to investigate the inmate? Where does administrative responsibility begin? Perhaps the administration of the prison cannot be held accountable for every individual act of their charges, but when things fly apart along racial lines, when the breakdown can be traced so clearly to circumstances even beyond the control of the guards and administration, investigation of anything outside the tenets of the fascist system itself is futile.

Nothing has improved, nothing has changed in the weeks since your team was here. We're on the same course, the blacks are fast losing the last of their restraints. Growing numbers of blacks are openly passed over when paroles are considered. They have become aware that their only hope lies in resistance. They have learned that resistance is actually possible. The holds are beginning to slip away. Very few men imprisoned for economic crimes or even crimes of passion against the oppressor feel that they are really guilty. Most of today's black convicts have come to understand that they are the most abused victims of an unrighteous order. Up until now, the prospect of parole has kept us from confronting our captors with any real determination. But now with the living conditions deteriorating, and with the sure knowledge that we are slated for destruction, we have been transformed into an implacable army of liberation. The shift to the revolutionary anti-establishment position that Huey Newton, Eldridge Cleaver, and Bobby Seale projected as a solution to the problems of Amerika's black colonies has taken firm hold of these brothers' minds. They are now showing great interest in the thoughts of Mao Tse-tung, Nkrumah, Lenin, Marx, and the achievements of men like Che Guevara, Giap, and Uncle Ho.

Some people are going to get killed out of this situation that is growing. That is not a warning (or wishful thinking). I see it as an "unavoidable consequence" of placing and leaving control of our lives in the hands of men like Reagan.

These prisons have always borne a certain resemblance to Dachau and Buchenwald, places for the bad niggers, Mexicans, and poor whites. But the last ten years have brought an increase in the percentage of blacks for crimes that can *clearly* be traced to political-economic causes. There are still some blacks here who consider themselves criminals—but not many. Believe me, my friend, with the time and incentive that these brothers have to read, study, and think, you will find no class or category more aware, more embittered, desperate, or dedicated to the ultimate remedy—revolution. The most dedicated, the best of our kind—you'll find them in the Folsoms, San Quentins, and Soledads. They

live like there was no tomorrow. And for most of them there isn't. Somewhere along the line they sensed this. Life on the installment plan, three years of prison, three months on parole; then back to start all over again, sometimes in the same cell. Parole officers have sent brothers back to the joint for selling newspapers (the Black Panther paper). Their official reason is "Failure to Maintain Gainful Employment," etc.

We're something like 40 to 42 percent of the prison population. Perhaps more, since I'm relying on material published by the media. The leadership of the black prison population now definitely identifies with Huey, Bobby, Angela, Eldridge, and antifascism. The savage repression of blacks, which can be estimated by reading the obituary columns of the nation's dailies, Fred Hampton, etc., has not failed to register on the black inmates. The holds are being fast broken. Men who read Lenin, Fanon, and Che don't riot, "they mass," "they rage," they dig graves.

When John Clutchette was first accused of this murder he was proud, conscious, aware of his own worth but uncommitted to any specific remedial action. Review the process that they are sending this beautiful brother through now. It comes at the end of a long train of similar incidents in his prison life. Add to this all of the things he has witnessed happening to others of our group here. Comrade Fleeta spent eleven months here in O Wing for possessing photography taken from a newsweekly. It is such things that explain why California prisons produce more than their share of Bunchy Carters and Eldridge Cleavers.

Fay, there are only two types of blacks ever released from these places, the Carters and the broken men.

The broken men are so damaged that they will never again be suitable members of any sort of social unit. Everything that was still good when they entered the joint, anything inside of them that may have escaped the ruinous effects of black colonial existence, anything that may have been redeemable when they first entered the joint—is gone when they leave.

This camp brings out the very best in brothers or destroys them entirely. But none are unaffected. None who leave here are normal. If I leave here alive, I'll leave nothing behind. They'll never count me among the broken men, but I can't say that I am normal either. I've been hungry too long. I've gotten angry too often. I've been lied to and insulted too many times. They've pushed me over the line from which there can be no retreat. I *know* that they will not be satisfied until they've pushed me out of this existence altogether. I've been the victim of so many racist attacks that I could never relax again. My reflexes will never be normal again. I'm like a dog that has gone through the K-9 process.

This is not the first attempt the institution (camp) has made to murder me. It is the most determined attempt, but not the first.

I look into myself at the close of every one of these pretrial days for any changes that may have taken place. I can still smile now, after ten years of blocking knife thrusts and pick handles of faceless sadistic pigs, of anticipating and reacting for ten years, seven of them in solitary. I can still smile sometimes, but by the time this thing is over I may not be a nice person. And I just lit my seventy-seventh cigarette of this twenty-one-hour day. I'm going to lay down for two or three hours, perhaps I'll sleep . . .

Seize the Time.

7. Attica Prisoners' Demands

Once the inmates of Attica prison took over the facility on Thursday, September 9, 1971, a committee of inmates drew up five demands as preconditions to end the takeover. These five demands would be broadened into "fifteen practical proposals" that would form the basis for the attempted negotiations among the prisoners, the committee of outside observers, state prison officials, and representatives from the governor's office.

The Five Demands

To the people of America

The incident that has erupted here at Attica is not a result of the dastardly bushwacking of the two prisoners Sept. 8, 1971 but of the unmitigated oppression wrought by the racist administration network of the prison, throughout the year.

WE are MEN! We are not beasts and do not intend to be beaten or driven as such. The entire prison populace has set forth to

change forever the ruthless brutalization and disregard for the lives of the prisoners here and throughout the United States. What has happened here is but the sound before the fury of those who are oppressed.

We will not compromise on any terms except those that are agreeable to us. We call upon all the conscientious citizens of America to assist us in putting an end to this situation that threatens the lives of not only us, but each and everyone of us as well.

We have set forth demands that will bring closer to reality the demise of these prisons, institutions that serve no useful purpose to the People of America but to those who would enslave and exploit the People of America.

OUR DEMANDS ARE SUCH:

1. We want complete amnesty, meaning freedom from any physical, mental and legal reprisals.
2. We want now, speedy and safe transportation out of confinement, to a non-imperialistic country.
3. We demand that the FEDERAL GOVERNMENT intervene, so that we will be under direct FEDERAL JURISDICTION.
4. We demand the reconstruction of ATTICA PRISON to be done by inmates and/or inmate supervision.
5. We urgently demand immediate negotiation thru Wm. M. Kunstler, Attorney-at-Law, 588 Ninth Ave., NYC, Assemblyman Arthur O. Eve, of Buffalo, the Solidarity Committee, Minister Farrakhan of MUHAMMAD SPEAKS, Palante, The Young Lord's Party Paper, the Black Panther Party, Clarence Jones of the Amsterdam News, Tom Wicker of NY Times, Richard Roth of the Courier Express, the Fortune Society, David Anderson of the Urban League of Rochester, Blond-Eva Bond of NICAP, and Jim Ingram of Democrat Chronicle of Detroit, Mich. We guarantee the safe passage of all people to and from this institution. We invite *all the people* to come here and witness this degradation, so that they can better know how to bring this degradation to an end.

The Inmates of Attica Prison

THE FIFTEEN PRACTICAL PROPOSALS

Practical Proposals

1. Apply the New York State minimum wage law to all state institutions. STOP SLAVE LABOR.
2. Allow all New York State prisoners to be politically active, without intimidation or reprisals.
3. Give us true religious freedom.
4. End all censorship of newspapers, magazines, letters and other publications coming from the publisher.
5. Allow all inmates, at their own expense, to communicate with anyone they please.
6. When an inmate reaches conditional release date, give him a full release without parole.
7. Cease administrative resentencing of inmates returned for parole violations.
8. Institute realistic rehabilitation programs for all inmates according to their offense and personal needs.
9. Educate all correctional officers to the needs of the inmates, i.e., understanding rather than punishment.
10. Give us a healthy diet, stop feeding us so much pork, and give us some fresh fruit daily.
11. Modernize the inmate education system.
12. Give us a doctor that will examine and treat all inmates that request treatment.
13. Have an institutional delegation comprised of one inmate from each company authorized to speak to the institution administration concerning grievances (QUARTERLY).
14. Give us less cell time and more recreation with better recreational equipment and facilities.
15. Remove inside walls, making one open yard, and no more segregation or punishment.

8. "Negotiations and Failure"

Herman Badillo and Milton Haynes

At the request of Governor Nelson Rockefeller, U.S. Congressman Herman Badillo of the Bronx arrived at Attica on Friday, September 10, to serve on the observers' committee. These are excerpts from his account of his and other committee members' roles in attempting to serve as mediators in the four-day standoff before the New York state police were sent in to end the takeover. From* A Bill of No Rights: Attica and the American Prison System, *by Herman Badillo and Milton Haynes.

FRIDAY

. . . As a lawyer with some negotiating experience in the past, I felt the fact that the demands were listed on two separate sheets was an indication that the prisoners themselves wanted to negotiate. The demands were thus presented as two distinct lists, the first contradictory and propagandistic, the second a forthright statement of "practical proposals." It seemed to me there was a good basis for substantive discussions with the inmates.

An examination of the first list revealed its contradictory points: if the inmates were indeed demanding speedy and safe transportation to a "non-imperialist" country, why would they also demand a federal takeover of the prison, or the reconstruction of Attica? The practical proposals, on the other hand, were clear and consistent. . . .

It seemed evident from the way the demands were presented as two distinct documents, that the prisoners understood that some things could be negotiated, and some could not.

After [Commissioner of Correctional Services Russell] Oswald's presentation, Assemblyman Arthur Eve, who had already been at the prison for two days and involved in the negotiations up to that point, brought us up to date on his own activities. Eve indicated that we were going to have a major problem with the question of amnesty.

We adjourned our first caucus in the steward's room [an office being used by the observers] and decided to meet briefly with the prisoners in the yard. Even though all the Observers had not yet arrived, we felt it important to announce our arrival in the meantime. Without discussing it, we agreed on a black man as our spokesman—first it was Arthur Eve, and at another point it was Clarence Jones.

It was daylight when we first entered D-yard. The trip into rebel-held territory involved crossing a frontier like that between two foreign countries. From the administration building we walked through a tunnel, through A-block, towards the prisoners' section. At the gate to A-yard, we were handed over to prisoner escorts. The inmates had set up their own security system: we were searched at the gate, accompanied across A-yard, which was totally deserted, and into D-yard. Inside the crowded yard, inmate guards had linked arms to form a cordon around other prisoners who might interfere with our passage to the speaking platform, the bench where rebel leaders sat in the far corner of D-yard. Those of us who were known to the prisoners were greeted with cries of recognition. The fact of our arrival seemed to cheer the inmates substantially. We had given them hope of perhaps winning something out of the situation. The prisoners asked that we get the additional observers they had requested. . . .

Back in the steward's room, the committee decided to go over the entire set of proposals together. [William] Kunstler and several others had by now arrived. There seemed to be a great deal of confusion concerning the demands, so we sat down to determine our procedure for gathering the prisoners' proposals.

It was after 9 p.m. before we passed again from the perimeters of the prison controlled by state authorities, through the dark no-man's land that was A-yard, and into the littered confines of D-yard. There, amid the glare of television lights, the Committee of Observers, numbering almost thirty men—radicals and reactionaries; black men, white men, Puerto Rican men; state legislators, lawyers, ministers, reporters, and poverty fighters; all disparate in age and temperament and training—began negotiations with the 1,200 convicted, rebellious men.

The prisoners made it very clear from the outset that they would not agree to a negotiating committee of prisoners—all negotiations had to be conducted in the yard with every one of

the inmates present. That seemed to indicate that this was no organized rebellion with leaders in strict control. The men insisted upon open discussions and wanted all the proceedings to be held in plain view with a microphone at the table so all could hear what was being said. . . .

This refusal to allow a committee to negotiate made the prospects of settling the rebellion more difficult. It is not easy to negotiate with a group of 1,200 people in an open yard at night. Moreover, our own committee was made up of as many as thirty people, some of whom were running in and out, while others spoke with small groups of inmates. Still other Observers were present for only part of the weekend. . . .

We all introduced ourselves to the inmates and, with Eve chairing what turned into a remarkable town meeting, we went down the list of demands, asking for comments and for a vote on each of the separate points. The vote demanding amnesty was practically unanimous.

There has been a great deal of discussion on the second point—speedy and safe transportation out of confinement to a non-imperialistic country. Indeed, reading and listening to news reports that weekend, one would have thought that the demand for transportation out of this country was an unalterable position of the inmates. But when the demand came up for a vote, it received support from fewer than twenty of the 1,200 prisoners. It was not a substantial question in the negotiations.

The demand for federal government intervention and for reconstruction of Attica prison also received little support.

However, when we turned to the second list, the "Practical Proposals," we began to get a real response. These were the issues the men in the yard cared about. The most sustained applause and the most enthusiastic vote was triggered by the demand, "Give us a doctor that will examine and treat all inmates who request treatment." . . .

After we had gone through the demands presented by the inmates, noting which ones had more support than others, we asked the men if there were any additional issues. After a discussion they agreed on the need for a Puerto Rican doctor for Spanish-speaking inmates, and the need for a narcotics program; they wanted a grand jury to investigate whether indeed guards

were making a profit off the prison shop by selling products manufactured by the prisoners and keeping the money; they wanted black and Puerto Rican corrections officers; they wanted a Spanish library; and they wanted the removal of Superintendent Mancusi.

It was well past midnight by the time this meeting had taken its course. Inmates would stand up, some of them repeatedly, and tell us how bad conditions were, while we tried to write down what they wanted. It was a totally spontaneous, unrehearsed, and, I might say, unorganized operation. I took down the additional demands in my own handwriting. Various other members of the Observers' group had scraps of paper with notes about the added demands. By comparing our various handwritten notes we were able to come up with the demands to be worked out the next day with Oswald. It is important to remember the spontaneous, informal aspect of this process, for it shows once again that the rebellion was not really organized; the prisoners had not worked out all their demands in advance.

SATURDAY

. . . Saturday morning . . . a committee of about ten began work on drafting a revised version of the inmates' demands. We worked through the morning and into the afternoon. During the afternoon we called Commissioner Oswald in. By this time the commissioner was under enormous pressures. Corrections officials from other state institutions—even from other states—continued to call and demand that he put an immediate end to the Attica rebellion which, they claimed, was endangering the security of their own institutions. Furthermore, as more state officials and some of [Governor Nelson] Rockefeller's advisers arrived, the lines of authority became increasingly confused. . . .

While Oswald was negotiating points with the Observers' Committee, rumors were flying hot and heavy among troopers and corrections people. As early as that Saturday afternoon, reports were circulating of the emasculation of one hostage. A prisoner

had reportedly fought his way from D-yard into A-block, which was controlled by state police. Previously Dunbar and Oswald had relied on information from those like Dr. Warren Hanson, who reported that the story of hostages being forced into a bathroom which was then set on fire was "nonsense." Now the corrections people would say: "We have sources of information behind the walls that you don't have."

It was in such an atmosphere that we negotiated with Oswald that afternoon. The commissioner did not attempt to deny that the prisoners were right on many points. He freely conceded that prisoners were denied religious freedom. He admitted that the Black Muslim religion was a legitimate faith, but that it was not so recognized in the prison, and that those who wanted to practice it were not allowed to do so. We pointed out to the commissioner that this happens to be a violation of the United States Constitution. . . .

Over the course of the afternoon we came to agreement on twenty-eight points. We then had them typed up. They constituted a remarkable document—to have been worked out in such an atmosphere, among such men, and in such great haste. Within twenty-four hours of our arrival at the prison we had, through the negotiations with the prisoners in the yard and with Oswald, agreed on all these very important points. . . .

While we were negotiating with the commissioner, something had happened which was to affect the whole course of later events: William Quinn, the injured guard, had died in Rochester Hospital at 4:30 p.m. A charge of homicide that could be leveled at any or all of the 1,200 men in the revolt was now added to the other amnesty problems. We were not informed of Quinn's death until a seven o'clock radio broadcast reported that Quinn had died of injuries suffered when inmates had thrown him from a second-story window at the beginning of the riot. (Every window in Attica, including those in the warden's office and in the steward's room where we negotiated, has heavy steel bars over it.) The prisoners themselves did not learn of Quinn's death until later in the evening.

The amnesty question was incalculably important for the inmates. Some of them had been involved in the riots in New York City prisons ten months earlier, and were thus acutely aware of

the consequences of rebellion. In those riots, it had been agreed [that if] they gave up their hostages there would be no reprisals—yet television films and many newspaper photographs showed guards and police beating prisoners right after the rebellion collapsed. At least one leader at Attica, Herbert X. Blyden, had seventy-two counts of criminal indictments against him stemming from those riots. Consequently, the Attica inmates were not about to risk giving up the hostages only to find themselves at the mercy of furious corrections officers once everybody else had gone away. They wanted an Ombudsman there on a permanent basis, and they wanted unbreakable assurances against reprisals.

Saturday evening we received word that Bobby Seale, chairman of the Black Panther Party, had arrived outside the prison. . . . We reviewed for Seale what had taken place in the negotiations thus far, and showed him the twenty-eight points. We said it had been our intention, before he joined us, to re-enter the yard, report our progress to the prisoners, and recommend that they agree with the twenty-eight points.

Seale read the points at once, then made the valid reply that he was in no position to make a recommendation on such short notice; that the most he could do was accompany us into the yard. He would stay a short while, he informed us, explaining to the inmates that he had just arrived, that he was there only to let them know he had arrived, that he would be in touch with Huey P. Newton on the twenty-eight points, and that he would return the next morning. We all agreed that we would leave the yard with Seale after his brief appearance before the inmates.

Much to my surprise, the inmates' reception of Seale was guarded. Seale himself was unusually subdued—one could assume that having spent several years in prison, he felt depressed at re-entering the gates. There was applause for the Black Panther chairman when he entered the yard, but little satisfaction with what he had to say. He spoke for only a few minutes. He said simply that the Observers Committee would leave right away, that he would consult with Huey Newton before returning in the morning. One of the inmates—Roger Champen—stood up and complained that it was unfair of us to leave after only a few minutes—that the inmates had been waiting under great tension all day. At that point, Clarence Jones and Arthur Eve agreed to

stay, and Jones began to read the twenty-eight points to the prisoners.

I left with Seale, as did all other elected officials except Eve. I did not see how we could possibly come to an agreement under the circumstances of that Saturday night. Even if we had come back to the yard with agreements on everything they asked for, the prisoners would have insisted on hearing what Seale would have to say Sunday morning. I felt, therefore, that it was the worst possible time to reveal the agreements we had reached with Oswald and with the Wyoming County district attorney. The inmates were bound to turn them down, or to say: wait and see what Seale recommends. I understood the prisoners' anger at our leaving but I felt that nothing worthwhile could be accomplished under the circumstances.

Oswald met Seale going out and thanked him on behalf of the state for coming. Kunstler escorted Seale to his car, then returned to the yard just as Clarence Jones finished reading the twenty-eight points. The inmates shouted down the twenty-eight points; then there was silence. It was surely one of the tensest moments in D-yard.

Then Brother Richard [X. Clark] rose to his feet. "You are now looking at a bunch of dead men," he said. "What amnesty means to us is what insurance means to your families." Another inmate summoned Kunstler to the microphone: "And what do you think, counselor?" William Kunstler is a man who arouses great emotion in people. His admirers hail his courage and his considerable abilities, while his detractors are outraged by the very mention of his name. He had been very effective earlier that Saturday during the drafting of the twenty-eight points. He arrived back in the prison yard at a moment when the Observers, out of control of the situation, felt quite anxious.

Kunstler addressed the inmates: "I'm speaking to you as a lawyer and that may destroy my credibility as a lawyer, but as a lawyer I can tell you that these twenty-eight points are the best we can do for you—at this time." Kunstler then sat down.

With the inmates shouting encouragement, Brother Richard then held aloft the sheet of paper listing the twenty-eight points and ripped it in half.

When the Observers' Committee members returned from the yard, we talked the situation over for a while, then we adjourned until Seale's return.

It is important to note that, in their talks with newsmen outside the prison, members of the Observers' Committee had made many efforts to underscore the importance of eschewing the use of force and sticking with the negotiations. Kunstler had told Fred Ferretti of the *New York Times* and other journalists that "there is a good chance this could end," provided all parties, ". . . bargain in good faith." Kunstler also said—and this was in the *New York Times* that must have been on Nelson Rockefeller's breakfast table at Pocantico Hills that Sunday: "I hope the authorities don't precipitate tragedy, because there might be a two- or three-day negotiating span." . . .

SUNDAY

. . . Sunday, September 12, 1971, was an extraordinary day at Attica prison. Never had I seen such unbridled hatred as the men outside the prison demonstrated towards the Observers' Committee and the rebellious inmates. An armed force gathered during the day in the dispiriting drizzle that later changed to heavy rain. Evidence of impending violence lay everywhere—except in D-yard where, I am convinced, the prisoners had no idea of the state's decision to quit negotiating and apply armed force.

Tom Wicker has written: "The emphasis on guns and clubs during the crisis was incredible; it had to be seen to be believed . . . these guns, moreover, were in the hands of men who left no doubt they wanted to use them. Correction Commissioner Oswald's long delay of the assault and his effort to negotiate were met with anger and impatience by the prison staff; the Observers who were trying to prevent bloodshed saw hostility at every turn. A guard bringing them a box of food said as he put it down, 'If I'd known it was for you I wouldn't have brought it.' " . . .

It was into this kind of climate that Bobby Seale returned at 8:30 on Sunday morning. Oswald met him and asked what he was going to say inside. Seale said he could not recommend acceptance of the twenty-eight points. Oswald said that unless he

promised to speak on behalf of the twenty-eight points, he would not allow Seale to return to D-yard. Seale walked out. . . .

After Seale left, we found ourselves with no place to go. The previous night I had feared just such an eventuality: Seale might not show up, or he might refuse to go back in, and we, having presented the results of our negotiations to the prisoners, would have no room to maneuver. It was necessary to come up with some alternative strategy since obviously we could not go back merely to tell the inmates that Seale was not returning.

Given the fact that they had rejected the twenty-eight points, our only recourse was to ask Rockefeller to come to Attica to meet with the Committee of Observers. It was not suggested by us, as later claimed by state officials, that Rockefeller come meet with the prisoners.

. . . If Rockefeller came, if he promised to enforce protection of prisoners' rights, and, *had* he shown the willingness for some form of executive amnesty, then the crisis might yet be resolved without force.

As the day degenerated into a series of preparations for an armed attack on the prison, a further reason emerged for calling in Rockefeller: It seemed to us that only Rockefeller's presence could avert a senseless massacre of both hostages and inmates.

Oswald had apparently given up on us the night before when we returned from the yard with the inmates' rejection of the twenty-eight points. There had been scarcely twenty-four hours of serious negotiations. But we had come a long way. The state had agreed to certain of the inmates' demands. Oswald had expected, unrealistically I think, that the issue would be solved as soon as his "generosity" became evident to the prisoners. The Observers lost credibility with Oswald when we failed to get the prisoners' agreement immediately. From Saturday evening on, his attitude was: There's nothing to discuss, we've agreed on these points and they've turned us down; from now on it's just a question of time until we go in.

After Seale left Attica, there was some question whether any of the Observers' Committee would be allowed back in the yard. Oswald said no legislators—meaning Eve, Dunne, Garcia, and me—would be allowed in. The strain was beginning to tell on members of the Observers' Committee as well. Eve had to demand

that some committee members stop going to talk with the commissioner independently. Ours was a very diverse group representing many points of view, and containing many personalities. . . . It should be noted, after all the emphasis given our disputes and arguments, that in the most desperate and crucial hour—Sunday afternoon—we stood together unanimously.

The state had decided to use armed force to storm the prison that day. Commissioner Oswald has since admitted to members of Representative Pepper's Select House Committee on Crime that an attack on Sunday afternoon was "delayed at the last minute because of the Observers' pleas." By noon, we could see from our window that preparations for an attack were being made all around the prison.

About noon, a delegation of six observers—Eve, Kenyatta, Tom Soto, Jose Paris, G. I. Ortiz, and Reverend Florence—went down to the gate of D-Yard to keep the inmates posted on our efforts to get Rockefeller to come to meet with us. The prisoners had asked that Rockefeller come meet with them. The purpose of the subcommittee's visit was to inform Brother Richard that the Observers felt Rockefeller would not do that, but that we had asked him to come and participate in the Observers' Committee conversations and hoped he would comply with our request.

The area in the vicinity of D-gate was a sort of no-man's land. Observers who entered through the main prison gate crossed A-yard towards a series of gates that led through the overground tunnel into D-yard. It was at the entrance to A-yard, at the border between rebel and state territory, that the committee of six spoke with the inmates. The Observers selected Tom Soto as spokesman to explain the committee's actions to Brother Richard. While Soto talked at the gate, Deputy Commissioner Walter Dunbar stood right behind the Observers with several heavily-armed state troopers. They asked Dunbar to withdraw the trooper with the submachine gun. Reverend Florence said, "Hey, why don't you move behind us without those guns?" Another of the Observers suggested they form a line in front of the gate to block a clear shot of Brother Richard.

Soto explained our position to Brother Richard and, in the course of his discussion, handed the inmate leader a piece of paper drafted by the committee. Dunbar yelled, "Hey! You can't

take that in with you." Accordingly, Brother Richard read the document, considered it, and handed it back, taking great care not to further aggravate relations between Observers' Committee members and Dunbar and the corrections officials. He then requested that a black newsman, a Puerto Rican newsman, Tom Wicker, and television reporters be allowed in to interview the hostages—the hostages wanted to talk with the press.

At the very moment members of this subcommittee were at the gate conferring with Brother Richard, Commissioner Oswald came in to tell the rest of us that he was drafting an ultimatum to the prisoners, and that under no circumstances would any members of the Observers' Committee be allowed back into the yard. . . .

—At 1:27, Tom Wicker, who had Rockefeller's telephone number at Pocantico Hills, put through a call and got the governor on the line. Wicker, then I, then Jones, and finally Dunne spoke to the governor. We all urged him to come to Attica to meet with us. We told him we did not want to discuss any prescribed agenda. He told us he could never agree on amnesty. I said we would not discuss the question of amnesty, that if he would only come and talk with us, we would gain additional time—it seemed clear from the movement around us that police officials were thinking of an attack. . . .

An attack that Sunday afternoon, I told Rockefeller, would likely result in a massacre, which might in turn lead to widespread violence. People all over the country were watching their television sets. I told him to consider the impact of that news bulletin in Harlem, Bedford-Stuyvesant, the South Bronx, Buffalo, Rochester, Detroit, Cleveland. I told him: "You need the time as much as we do, so the best way, while you set this machinery in motion, is—you come and meet with us. At least you will have been able to get an opinion from the scene, while if you rush in now, Mayor Lindsay is probably going to tell you he'll need National Guardsmen in New York."

Rockefeller had apparently not thought out that aspect of an attack. He said he would speak to his aide at Attica, Robert Douglass. I then turned the phone over to Clarence Jones and to Senator John Dunne, both of whom appealed urgently for him to come there and meet with us. Rockefeller said he would keep in touch. The call ended at 1:51 p.m. . . .

—At 2:09, the subcommittee returned from the gate. Clarence Jones, after his conversation with the Governor had gone downstairs and, conferring briefly with Brother Richard, had implied strongly that Rockefeller would visit the prison. When they returned, Wicker vigorously contested Jones' impression. I agreed that the governor was noncommittal in his remarks, though at least he had not turned us down outright.

—At 2:11, Oswald came back into the steward's room and read to us the following statement which was addressed to the inmates:

> As Commissioner of Correctional Services, I have personally met with you several times in areas under your control for the purposes of insuring the immediate safety of employee hostages and the safety of all others concerned during the current, difficult situation.
>
> As you all know, food, clothing, bedding and water, and medical care have been available to you. You have been able to meet with outside observers of your choice and representatives of the news media. A federal court order was obtained promptly to guarantee that there would be no administrative reprisals. Your representatives have been able to ascertain that no mistreatment of inmates has occurred.
>
> I urgently request you to release the hostages unharmed now, *and to accept the recommendations of the committee of outside observers, which recommendations were approved by me,* and join with me in restoring order to this institution.
>
> Only after these steps are taken am I willing to meet with a five-member committee chosen by you to discuss any grievances you may have and to create a mechanism by which you can be assured that the recommendations I have agreed to are implemented.
>
> All possible efforts have been made to deal fairly with your problems and grievances to resolve the present situation. All good faith is embodied in the proposed agreement I signed which is in your hands.
>
> It is in the interest of all concerned that you now respond affirmatively to this request.

Many committee members were angry and astonished that Oswald implied that the twenty-eight points were "the recommendations

of the committee," and further, that he implied the Observers were party to his ultimatum. Eve exploded: "Man, you've just signed my death warrant!" Eve and other Observers said Oswald's statement would destroy any confidence the inmates had in us, and would endanger any members of the committee who met in the yard with inmates.

Oswald said that was immaterial since the Observers were not going to be permitted to re-enter the yard anyway. This intensified the already vigorous exchange between Oswald and other committee members. Several members of the group pleaded passionately with Oswald to let them return. After confessing with some anguish, "I've bent and I've bent and I can't compromise further. I'm walking through the tunnel of hell," he yielded. He agreed, "against the advice of every adviser in the state," to permit one last visit to the yard by the journalists (to interview the hostages) and several of the Committee of Observers.

At this time we learned from Oswald that Rockefeller's office had released a statement saying he would not come—in Oswald's words—"to meet with the inmates." Shortly afterward, we were given a mimeographed copy of Rockefeller's bristling statement.

> From the beginning of the tragic situation involving riots and hostages at the Attica Correctional Facility which imperil the lives of many persons, including thirty-nine innocent citizens and dedicated law-enforcement officers, I have been in constant, direct contact with Commissioner Oswald and my representatives at the scene. Every effort has been made by the state to resolve the situation and to establish order, hopefully by peaceable means.
>
> I have carefully considered the request conveyed to me by the Committee of Citizen Observers at Attica, as well as the demands of the inmates that I meet with them in the prison yard. I am deeply grateful to the members of the Committee for their long and courageous efforts to effect a peaceful settlement.
>
> The key issue at stake, however, is still the demand for total amnesty for any criminal act which may have occurred. I do not have the constitutional authority to grant such a demand, and I would not, even if I had the authority because to do so would undermine the very essence of our free society—the fair and impartial application of the law. In view of the fact that the key issue is total amnesty—in spite of the best efforts of the Committee and in spite of Commissioner Oswald's major commitments to the inmates—I do not feel that my physical presence on the site can contribute to a peaceful settlement.

Rockefeller went on to reiterate his support for Oswald and to urge the prisoners to accept the twenty-eight points.

The Observers then agreed unanimously to send an appeal to Rockefeller, asking that he come to the prison to meet with us. Since pressure seemed to be running towards sending in the troopers, we then issued an appeal to the public, urging them to send Rockefeller telegrams asking him to meet us. . . .

Rockefeller had mentioned on the phone the pressure he was under to storm the prison. We hoped to have some impact by rounding up public support for another course. We drafted the statement under some pressure ourselves, but it was not a hasty or ill-considered document. Originally, Senator Dunne objected to the wording of the statement, and Tom Soto objected to the statement altogether since he did not see any point in trying to get Rockefeller to come. However, in order to avoid misunderstanding, we went around the room taking a vote on the final draft, and everyone voted to send the appeal out to the press immediately. . . .

I was designated to contact the press, and proceeded to do so, calling several agencies and attempting to tape a statement for CBS over the phone. However, when authorities discovered I was on radio with the appeal, they cut off our phone in the steward's room.

A delegation of Observers and news reporters re-entered the prison—for what was to be their last visit inside D-yard—at 2:55 p.m. The Observers' Committee hoped that showing the hostages on television, alive and unhurt, would dispel rumors of slain hostages and convince authorities that there was no need for haste. At about the same time, Oswald was outside the prison, reading the text of the ultimatum he was sending in to the more than one hundred members of the press. Unknown to Eve, Kunstler, Wicker, and other members of the Observers' Committee

entering the prison yard, the inmates had already received the text of Oswald's statement and thought the Observers were trying to double-cross them. According to several reliable accounts, Brother Richard said, "I notice you can't look me in the eye, brothers." He then pulled from his pocket the ultimatum, implying that the Observers agreed with Oswald's position. "You lied to us. Some of the brothers want to kill you. You may not get out of here alive today." With understandable urgency, Eve, Kunstler, and Jose Paris of the Young Lords said they had not known about the note. It was under such circumstances that the Observers held their last consultation with the inmates. . . .

During this visit several of the hostages went before television film cameras to voice appeals to Rockefeller. Sergeant Edward Cunningham was one of those whose desperate plea to the governor was filmed: "I am speaking for all thirty-eight of us. We have been treated fairly by these men. I sleep on a mattress and they sleep on the ground. I think they should take all of those men off the roofs, along with their guns. There is more hardware here than there was at Mylai. I have eight children and two grandchildren. I want to live. I think Rocky should come here. If he doesn't, I'm dead. I also think immediate clemency should be given to all inmates involved in this affair." Asked if he was coerced, threatened, or otherwise forced to make his statements to the television cameras, Cunningham replied: "I, as do all these men, do this on my own free will." Cunningham was one of those who was to die in a hail of bullets the following morning. His plea, and that of several other hostages, came to nought. As the interview was being filmed, Oswald walked into the steward's room to tell us that there was great confusion, great distrust, and a very dangerous situation in D-yard because of the note he had sent in.

Our phone was cut off just after the subcommittee members returned from the yard at 6:18 p.m. This complete hardening of attitudes by the commissioner was a clear enough indication to us that our attempts had failed.

Correction officials were now treating congressmen of the United States, state representatives, and other committee members like prisoners. Our phone was dead. We were told to choose between leaving the prison or being locked in the steward's room, with a guard posted at our door.

We called Oswald in once again—this was early Sunday evening—and he blew up at us: "I've given everything and I've got nothing in return!" We all pleaded for more time. I asked him for one more day—for at least twenty-four hours. He refused. I then asked him to give us until nine o'clock Monday morning. He refused that, later saying he might give us until 7 a.m., but he wouldn't guarantee it. At one point, as Kunstler argued heatedly for more time, Oswald looked at him and said: "I can give you no assurances that there will not be action. There will be no more negotiations in D-block."

Tom Wicker, and reporters Dick Edwards of the *Amsterdam News* and Rudy Garcia of the *Daily News* went out into the pouring rain to brief other reporters outside the gates on their latest and last meeting with the inmates. Wicker reported that there was "absolute solidarity" among the inmates of all races. This brought a violent tirade of abuse from guards, police, and relatives present. Edwards reported that the bystanders shouted at Wicker: "Nigger-lover! You must live with niggers. Sonofabitch. What kind of white man are you? Standing on a platform with a nigger and help a nigger talking against your own. Why don't you talk about the unity of the guards? The police? You dirty double-crossing bastard. We ought to string you up." Kunstler and some of the other members of the committee left late that night to go to Batavia for some sleep. I stayed, fearing an attack during the night—Young Lord representatives and Black Panther men were staying overnight in the prison. They needed a public official to at least insure their safety in that nasty atmosphere.

Almost no one was able to sleep that night, though once in a while one of us would stretch out for a few minutes on one of the desks, or doze fitfully in the chairs around the steward's room.

So ended that tragic Sunday at Attica. Rockefeller had unaccountably snubbed the very mediators he had asked to go to the prison and left the problem in the hands of his own aides and advisors at the scene. In spite of our warnings to him that retaking the prison by force might very well result in a massacre, he had denied us a hearing.

As the Observers left the yard that afternoon for the last time, Brother Richard Clark had hugged and kissed each man goodbye, and said to them, "Tell my wife and children that I am ready to

die. I cannot live any longer as a caged beast. I know they are going to kill us. Tell them we are doing this so, in the event my children or grandchildren should slip along the way, they will not have to live like dogs. Tell them it is better to die like a man than to live like a dog."

MONDAY: THE STORMING OF THE PRISON

It was a drizzly, chilly morning at Attica with clouds hovering less than two hundred feet above the prison walls. Those of us in the steward's room awoke to the sounds of hundreds of blue-helmeted state troopers gathering in the grassy area between the main gate and A-block. We could hear them below, answering the roll, fussing with their gas masks and their guns.

Commissioner Oswald came in at about 7:30 to tell us he was about to give the inmates one hour's ultimatum. Oswald said they planned to move in sometime around nine, and that if we did not leave now, we would be held prisoner until it was over. We said we would not leave, so two armed guards were posted at our door, waving their guns at us. We were told there would be a gas attack. We therefore asked for gas masks. The commissioner's people said they could not find any extra gas masks, and we would have to do the best we could.

At that point, I must say, we were all very concerned that we might be shot by our guards. Their attitude was indescribably hostile. We felt that if they could justify shooting us down in any way, they would.

Seventeen of us were confined inside the little room, watching the troopers make their preparations. There were to be no civilian eyewitnesses to the assault. Senator Dunne had strongly urged Oswald to let him observe the takeover, but his request was peremptorily refused. As Oswald handed his final ultimatum to the prisoners, control of events passed completely out of civilian hands into the hands of the para-military leaders of the state troopers and the National Guard.

At 8:50 a.m., Oswald's press aide, Gerald Houlihan, appeared outside the prison gates to pass out copies of Oswald's latest statement:

> At 7:46 a.m. I delivered the attached memorandum to Brother Richard Clarke. In delivering it, I said: "Mr. Clarke, I earnestly implore you to give the contents of this memorandum your most careful consideration. I want to continue negotiations with you." Mr. Clarke said that a matter of this kind would have to be referred to the Peoples' Central Committee and that he would take it back to them. I reminded him that I would expect the answer within the hour.
>
> Russell G. Oswald—Commissioner,
> New York State Department of
> Correctional Services

Too little is known about what was happening in D-yard at this moment. A voice vote was taken after Oswald's last ultimatum had been read over the microphone. The response was negative. Hostages report that some inmates shouted that the rebels should "kill the hostages and fight to the death." (Almost the same quotation came from the prisoners at Long Island City jail in New York the previous October, fifteen minutes before they surrendered against an overwhelming show of force.) The hostages were blindfolded, and some of them were bound hand-and-foot. Eight of the hostages according to their own statements, were taken to a trench dug by the inmates during the uprising. These hostages were being transferred as Oswald's last ultimatum expired at one minute after nine o'clock. By this time, two army CH-34 helicopters, which had been outside the grounds all weekend, had started to warm up their engines.

Oswald stayed in his office, entirely out of touch with what was happening in the yard. His only contact with events was through Deputy Commissioner Walter Dunbar, who had gone for one final meeting with the inmates.

Dunbar phoned from A-block to relay the prisoners' response to Oswald's ultimatum. His message was, "Negative. Negative! And now they've got the hostages at Times Square." That message was in turn relayed to Governor Rockefeller interrupting a discussion he was having with several state officials about an upcoming transportation bond issue. One of those at the meeting was Rockefeller's press secretary, Ronald Maiorana, who later told

reporters that the decision to storm the prison 400 miles away was made "by people on the scene" in conference with the governor. "One of the things influencing the action decision was a report from Oswald that some prisoners were in an area known as Times Square and they were holding knives to the throats of some of the hostages."

At 8:56 the engines of the army helicopters stopped suddenly. An Attica fireman cursed: "They're shutting them down. I'll be a sonofabitch. It's a sin. Some lives are going to be sacrificed," he told a *Daily News* reporter, "but you've got to take a stand." The press contingent was being handled by a muscular guard with a nightstick who called reporters "Prisoner-oriented, ghoulish bastards," and complained about biased reporting of the event. He positioned state troopers shoulder-to-shoulder around the reporters to keep them tightly ensconced within a tight enclave.

A small, state police helicopter with a loudspeaker aboard started its engines at exactly nine o'clock. During these long and agonizing minutes—the attack did not begin until 9:43—the seventeen of us in the steward's room huddled together, crouched down, for fear a volley of bullets might cut us down. We were told that a truck with extra gas masks had lost the way and not arrived. In order to have some protection against the gas, we asked for water in which to soak our handkerchiefs. The guards balked at first, but they finally did bring some water.

William Kunstler arrived outside the heavily-guarded gates at 9:26, clutching a Buffalo newspaper with the headline: "Mood of Hostility Grips Attica as Talks Break Off." Kunstler was barred from entering the prison, and was left to stand watching in anguish as the smaller state police helicopter flew around the prison in ever tightening circles. Tom Wicker had made it inside just a few minutes earlier, barely before the deadline expired.

All that reporters outside the prison could do was to monitor walkie-talkie and radio transmissions off the blaring radios of state police cars. At 9:30, they heard the helicopter pilots chatting: "There's a 200-foot ceiling. The low stuff is coming in from the west. It'll be about 100 feet."

Then at 9:42, the voice of Captain Henry Williams took command of the assault. "All forces in position." One minute later, Williams ordered all electric power in the prison cut off. The clock

in the steward's room came to a stop at 9:43:28. The power cutoff destroyed chances for a clear videotape recording of the takeover. State authorities say that when the videotape machine went on battery power—during the most important part of the takeover—the quality of the tape was so poor as to be worthless.

We watched as helicopters made their first low passes over D-yard. At 9:45, just as the helicopters were making their first sortie, Captain Williams directed over his radio: "Zero in on targets. Do not take action until the drop." Another voice cut in quickly: "The drop has been made. Jackpot One has made the drop." Williams shouted: "Move in! Move in! The drop has been made."

Clouds of tear gas rose from D-yard, quickly followed by the sound of canisters popping, and the snap of rifle fire. From the steward's room it was difficult to distinguish between the sound of gunfire and the tear-gas canisters going off. Within moments of the attack, a great wave of gas rolled across the yard and into our room, choking and blinding us. (CS or pepper gas stings the eyes and skin and gives one the sensation of suffocation.)

Tom Wicker has reported accurately, and I think most sensitively, on those minutes.

> ATTICA, N.Y. Sept. 13—At 9:43:28 this morning the power went off in the small littered steward's room on the second floor of the Attica Correctional Facility's administration building.
>
> The hands of an electric clock on the wall pointed to that second for almost two hours, while state policemen and other officers put a bloody end to a massive uprising by about 1,500 inmates—mostly black and Puerto Rican.
>
> To the 17 men in the room, the hands marked the moment of truth—the second when the end came for four days of emotional and exhausting effort to avoid the bloodshed that every one of them feared from the beginning. For 28 of the prisoners with whom they had vainly "negotiated" and for nine of the hostages the prisoners had been holding, death had been signaled. . . .
>
> Gazing out the window of the steward's room at the helmeted troopers and the drifts of gas floating across the prison grounds, two of the 17-member group, Representative Herman Badillo of New York City and this corre-

spondent, assured each other that they had done all they could—and each saw in the other's eye that the assurance was needed.

"There's always time to die," Mr. Badillo said. "I don't know what the rush was."

Behind him, at another window, a young lawyer and penologist named Julian Tepper said in a flat, tired voice, "I can see eight bodies on the ground dead."

Months later, the question still haunts me. There was no doubt in my mind that people were going to be massacred. I could not and I cannot see what was so urgent about bringing on a bloodbath. The prisoners were not going anywhere. They were out in a muddy yard in the rain, surrounded by high walls, and a tremendous armed force. They could have been starved out. The water could have been cut off, as was in fact, done at one point. They could have been saturated with tear gas—indeed, that was part of the attack that morning. There were any number of alternatives open to the state. But from the way state troopers lined up outside our window, we felt forced to crouch for fear they would shoot up into our room and say it was just part of the whole business. With such intensity loose down below, who could know where it would stop. We had no confidence that they were not going to kill us. Certainly, we had no confidence that they were not going to kill as many of the inmates as they could.

No one—except perhaps state police or Rockefeller's people at the scene—knows who gave the order to fire, or *if* there was an order to fire. We do know that troopers and deputies had been told that the prisoners had no conventional weapons or ammunition; possibly they would have knives, captured tear gas guns, and perhaps fire bombs. One witness to trooper briefings reported that forces were told to "watch out for your buddy," to be certain "the other guy" got it first. "If you encounter resistance, resist it." They were also told that all of the hostages were white. All the attack force was white—that left black men as the enemy. Rather than call in readily available black National Guardsmen from Buffalo, just twenty-five miles away, state authorities rounded up white troopers from places two hundred and more miles distant. Authorities know that white troopers would kill black and Puerto Rican prisoners—but they could not count on black National Guardsmen to do the same.

After a period of gunfire and tear-gas canisters exploding, we could hear a broadcast from the state police helicopter: "Place your hands on your heads and surrender to the officer nearest you. You will not be hurt." The message was repeated again and again. According to all accounts that we can piece together, there was no resistance from the inmates after the gas was dropped. One hostage, Elmer Huehn, said that at the time of the assault his inmate guard whispered, "I don't have the heart to kill you," and shoved him to the ground, covering Huehn's body with his own.[1]

We were held in the steward's room until late morning, during which time the twenty-nine hostages who were rescued came streaming out of the prison gasping and coughing beside state troopers and corrections officers. Even with protecting gas masks, troopers were having trouble with the incapacitating gas.

From time to time during the attack, Deputy Commissioner Walter Dunbar would burst into the steward's room with reports on the state's maneuvers. With great gusto he explained to us that he was himself a military man and that, as a military man, he admired the state's operation, which was being carried out "with a minimum of casualties." His reports took the form of battle bulletins—"D-block has been recaptured," "There's hand-to-hand fighting in the cells," "We should be out in an hour," and so forth.

Shortly after noon, Dunbar came by the steward's room again, this time accompanied by several Republican legislators. He said

1. Even on the day following the assault, when it was widely believed that the prisoners had slashed the throats of eight hostages, there abounded a whole set of curiously touching stories about inmate ministrations to the hostages officials said were held at knifepoint. An inmate assigned to guard a twenty-three-year-old civilian employee named Ronald Kozlowski asked Kozlowski, as the helicopters circled, how he felt. Kozlowski said he felt sick, and the inmate gave him a Tums to settle his stomach. The inmate was dead a moment later, a bullet hole in his chest. Another hostage, reportedly held on the parapet, told Dr. Warren Hanson that the inmate had cut his bonds and told him to get down when the firing started.

that those of us who were elected officials—me, Garcia, Dunne and Eve, as well as those with him, Senator McGowan and Assemblyman Wemple—could have a tour of the freshly-secured prison yard. This sudden acknowledgement of our elective status came as something of a surprise because, for the last few hours, we had been prisoners just like the others; in Commissioner Oswald's own words: "prisoners of the state."

Dunbar then took us on a tour of D-yard. I recall vividly that I could hardly breathe because the air was still heavy with gas—and this was several hours after the attack. Dunbar pointed to a pool of blood and said this was where the hostages had been brought to be placed in execution positions. The reason people had to be killed and wounded, he told us, was that, when the tear gas was dropped, prisoners began cutting the throats of the hostages.[2] Not only had he, Dunbar, and others witnessed this, but authorities had videotape and gunsight films of the acts themselves. This was the reason for going in shooting—to prevent more hostages from being killed. He described how sharpshooters lined up on the roofs of surrounding blocks and skillfully picked off the prisoner-executioners without killing the hostages. He said that all the hostages had been killed by prisoners cutting their throats.

He showed us a big inmate, stretched prone on a table in the yard, forced to balance a football between his chin and chest. This man, Dunbar said, had been castrating a guard named Michael Smith, and stuffing the guard's sexual organs into his mouth—"Mau Mau style." Smith, it turned out later, had not been harmed in the action. At this point, of course, we had no way of knowing whether Dunbar's account was accurate or not. It was unthinkable that he was concocting all this for a sizeable group of public officials. Dunbar's account made it seem plausible that the troopers had of necessity gone in shooting—but was even this tale of inmate atrocity reason enough to justify the deaths of thirty-six men that morning, of the four others who died later, and the serious wounding of 110 prisoners?

It seemed to me even then that the state, with Dunbar's lurid account of the slayings, was attempting to establish the urgent necessity for going in shooting. It is important to remember that Dunbar's version was accepted by the press and the public for twenty-four hours. How much of an outcry against the massacre would there have been had the truth been known that day?

Arthur Eve also took that tour. His recollection of Dunbar's graphic account is very similar to mine: "When we were taken on the tour, we were taken on the second level, overlooking the yard. Deputy Commissioner Walter Dunbar—the number two man in the New York Correctional System under Russell Oswald—said, 'This is where we saw the inmates bring the hostages, put them in a position of execution'—and he said—'you know, we still didn't want to go in. We were still hoping they would give up the hostages. But what we saw,' Dunbar said, 'was one of the inmates took a knife and stuck the hostage in the stomach, and the hostage was dead and fell to the ground. The men got itchy and you could understand that it was difficult to restrain them. We replied—"Give us the hostages! Please!" And the inmates shouted—"This is our answer," and he slit the throat of another of the hostages. But the thing that really got us upset was when we saw an inmate take young Officer Smith, take a knife, castrate him, take the organs of his body and stuff them in his mouth—well, we just had to go in.' "

This castration story, and the enthusiasm with which it was repeated both in Attica, and far beyond, tells us perhaps more than we want to know about the psychology of the authorities and

2. A reader who did not follow the accounts of that day in newspapers or on radio and television should be aware that the version of the hostages' deaths related by officials at the prison for a full twenty-four hours was false. Gerald Houlihan—Oswald's press aide—and Deputy Commissioner Walter Dunbar told legislators and newsmen that the hostages' throats had been slashed, that one hostage had been emasculated, and that two of the hostages had been killed at least one day prior to the assault on the prison. All these details were false and were so proven by a state medical examiner the next day.

The state has since frequently claimed that the impression the hostages had died from slashed throats came from the press. Indeed, Oswald has become increasingly careless in his attempt to shift responsibility for the throat-slashing reports: On October 18, he told the Northeast Regional Conference of the Ladies of Charity that the false rumors were started because "news media were talking with anyone coming out of the gate." (Are Houlihan and Dunbar to be taken as "anyone coming out of the gate"?)

people at the scene. Even after doctors repeatedly declared there had been no mutilation of anyone's sexual organs, hostage or inmate, dead or alive—townspeople, guards, and troopers simply refused to believe it. Dr. Edlund, whose autopsies proved the hostages had died of gunshot wounds and of no other cause, finally got irritated when asked once too often about the sexual mutilation story. He snapped: "You don't have to be a medical expert to be able to determine if someone's genital organs have been mutilated."

Continuing his tour, Dunbar guided us to a spot where four black inmates, fully clothed, lay utterly still on the ground. About twenty other inmates, hands behind their heads, naked, were lying on the ground a short distance away. The residue of CS gas still on the grass severely irritated the prisoners' skin, giving it the sensation of being on fire, but the naked inmates were lying without twitching a muscle for fear of a beating. Eve asked if the four clothed inmates were dead. Dunbar said no, they were not—they were men who had been witnessed in the act of murdering hostages. It was at about this point of the tour that Arthur Eve swears he saw Elliot James Barkley alive.

Dunbar also showed us the hole in which, he declared, the body of one hostage had been buried—a hostage killed by inmates two days earlier, on Saturday. Someone asked if Dunbar and other corrections officials had known about this killing, and he answered, "Oh, yes, we had our sources." I'm not sure the question was raised at the moment, but several of us did wonder—if the authorities knew on Saturday that a hostage had been "killed," why did they continue to permit members of the Observers' team to visit the yard?

Apparently Dunbar, and the others who misled us that day, did not expect any of this to come to light. Authorities resisted the findings of the Monroe County medical examiner, John F. Edlund, with every resource available to them—even to the extent of bringing in two famous pathologists to check Dr. Edlund's findings. These pathologists agreed with Dr. Edlund in every particular.

Authorities must have calculated that they could get away with this monstrous lie. When the wrong medical examiner got hold of the bodies, did his job, and released his findings, the authorities were stunned. The story that prisoners had murdered the hostages

would have served as a perfect explanation for shooting up the prison yard on Monday morning.

I mentioned that during the tour—hours after the morning assault—we could hardly breathe because of the gas residue. It was perfectly obvious that when this gas hit, it took effect immediately, rendering both prisoners and hostages absolutely helpless. Dunbar himself described the effects of pepper gas at close range: it produces such a strong sense of suffocation that virtually everyone clutches his throat and gasps for breath. Several state troopers, *wearing gas masks,* collapsed under the effects of the gas that morning. The prisoners were choking on the gas, and their hostages were choking on it also. Without guns, without gas masks, the prisoners were helpless. They were not about to kill the hostages—they could not have done so, even if they had wanted to.

Clearly the troopers could have entered the gassed prison yard with nightsticks and other non-lethal weapons and released the hostages without killing anybody. State authorities will not admit this. Once their story about the slashing of hostages' throats had collapsed, they tried to suggest that the inmates brought on the shooting by resisting the troopers' attack—as if the inmates were so superhuman that, without gas masks and unarmed, they had engaged these heavily-armed, masked state troopers in hand-to-hand fighting.

I see the picture of men struggling violently for breath, utterly helpless, and I see a trooper with a gas mask over his face, advancing through the clouds of tear gas. Wantonly, the trooper pulls the trigger. Why? The question persists in my mind, and keeps returning—in conversations, and in moments alone.

Why was there a need to kill anybody at Attica?

Our society must deal with the fact of the massacre and with its implications. Responsibility for the slayings does not rest with one man alone. *Every state official* who went along with the decision to send in troops, and *every trooper* who confronted the gassed inmates in the yard on Monday morning, had a choice before him. The governor of New York chose the security of state power over the lives of hostages, and inmates. Corrections officials from Oswald on down chose the brute assertion of their power over the very principles and ideals they had for so long professed. State troopers

and guards chose revenge for mythical racial crimes over the prisoners' attempts to surrender peacefully.

A man has to be very callous to look at another man who is unarmed, under the influence of gas, and trying to surrender—and to shoot him cold. One does not need to take an extreme political position. The facts of Attica are extreme enough on their own: law enforcement officials deliberately chose to shoot to kill. Attica brought the tradition of Kent State and Mylai one step further.

Whether or not there were ever orders to shoot in any of these cases, the question remains: Why should a National Guardsman, a soldier, or a state trooper *follow* orders to shoot someone who is helpless? Why should he pull the trigger? How do men make that kind of judgment? What kind of fear and anger and hatred are we dealing with in the breasts of these men who wear uniforms and are our shields against lawlessness?

9. "The Brothers of Attica"

Richard X. Clark

Attica inmate Richard X. Clark served as a spokesman and leader during the rebellion. A veteran of the U.S. Navy and a member of the Nation of Islam, he was serving a four-year sentence for armed robbery—a crime, he states elsewhere in the book from which this excerpt is taken (The Brothers of Attica, 1973), he did not commit. Here he describes events after the prison was retaken.

As soon as we hit the door of D-block, two state troopers grabbed us. "You black bastards," they were screaming. They threw us inside the door and grabbed us behind the head, forcing us to our knees. They made us strip and then they started kicking us. "You black motherfuckers," they shouted, "get up!"

There were a whole bunch of correction officers beating us. They threw us down and made us keep our knees and elbows on the ground. I heard ribs crack and people being kicked. I heard troopers say, "Take the nigger into A-block."

They pointed at one of the brothers. "Oh, this is one of the

intermediaries who cut their throats. Well, we'll cut his balls." And that was the first time I heard anything about throats being cut.

They forced us into A-block. They made us crawl in the mud and dirt. They kept the heels of their boots on our necks and hit us in the heads with the rifle butts. "Don't look up, nigger," they said. They didn't seem to realize that if we kept our heads in the mud, they couldn't recognize us. I remember the hardest thing for me was keeping my glasses on.

On the other side they were making sure inmates weren't someone they wanted to beat—someone who, they thought, played a role in the riot. They'd say, "There's that black son of a bitch. He had a lot to say."

They came to me and kicked me to the side. I tried to keep my glasses on. When they fell to the ground, someone stepped on them. Then they noticed my Timex watch. "Nigger, what are you doing with a watch?" they said. "Where'd you steal this from?" Then they stepped on that.

Someone else snatched my religious medal and threw it on the ground. There was some writing in Arabic on it. The guy said, "What are you, a Jew?"

Then someone said, "Hold that, man. That's that bastard Clark. He's one of the leaders." Someone else came up and stepped on my toes, and they ordered me to spread my cheeks. Then they threw cigarettes and bottles at me and tried to make me lose my balance.

The lieutenant came up and hit me in the kidneys to show he was a man. "Take him to the box," he said. "Don't kill him. Save him for the electric chair."

They grabbed me off the wall and marched me through the basketball court. There were six or seven of them holding me. They made me walk on glass, in water, up the stairs to A-block. There was a gauntlet of men, each with a stick. They beat me and tried to make me fall. "Here's the leader," they said.

The men were standing on both sides of a flight of stairs. But they were so disorganized that when they chased me up to the top, there were four more dudes there—Rice, Flynn and two others—big white honkies with big clubs. When I reached them, they told me to go downstairs again.

So here I am running up and down stairs. I get to the top, and

Rice and Flynn throw me down again. Then they ran me down the gallery and into a cell and locked me in, and so there I was in HBZ.

There was a bed and a rolled-up mattress. I stood up to the bars and watched and listened. All I heard was whimpering, and all I saw was a glimpse of naked buttocks, followed by a huge white Neanderthal. Then I heard the brothers coming in one by one. I heard one of them fall as they led them up the gallery. They broke a Spanish-speaking brother's arm in three places. Then they pulled him across the floor and you could hear his skin burning as it squeaked against the linoleum. There was one brother who had cerebral palsy. His arm was deformed. They kept hitting his arm.

Then it was night, and it was quiet. The guards were whispering just loud enough so you could hear them. One guard said he was going to kill a nigger. Another said, "I hear they only killed nine hundred." Someone else said, "Oh, I heard it was 925."

All through the night the guards kept coming through the gallery. Deputy Warden Pfeil stuck a gun into someone's cell and said, "What are you doing, nigger, sleeping? You're going to die in the morning." All through the night they were coming in with flashlights and guns drawn. They had pitchforks, knives and axes, some of them. "We sure got a lot of niggers in there," they said.

There was even a squad of police from Auburn. They were looking for a brother named Smitty who had been in the rebellion there. I don't know how they got there so fast, but they spent all night and the next day looking for him. They kept saying, "Smitty, where are you?" They said they were going to beat him because they didn't get a chance to beat him before.

This went on until Tuesday afternoon when the doctor came through. It was Sternberg, and he was taking names and numbers and asking what was the matter with you. When you told him, he said, "You should be dead."

Tuesday afternoon they fed us our first meal—cheese sandwiches and coffee. For the next two weeks they fed us just twice a day, two cheese sandwiches in the afternoon and cold cereal and coffee in the morning. We were kept in our cells twenty-four hours a day. I lost count of what day it was, but soon we started whispering to find out who was in there.

The next week they gave us pencils and paper and told us we could write home. Then the outside people started coming in, so they started giving us hot meals. The Goldman Committee, which was formed after the riot to protect inmates' civil rights, were the first ones inside.

They had taken our clothes and given us white overalls and white slippers, telling us we had to wear special uniforms. When we came out of our cells to talk to our lawyers or family, we had to walk with our arms folded in front of us. That was the only time we were allowed out of our cells. Any time you came out, it was one at a time. Two officers stood at the door. Before they let you out, they'd make you fold your arms.

After a month, we received our first shave. Two weeks later, we received our first haircut. Then on Wednesdays, every six weeks, they gave us another haircut. Every week they gave us a shave. The barber was an old white dude, and they would take us out one at a time to him. They had him so scared with stories they had fed him about us, he was afraid to nick us, so he used a safety razor.

On Thursdays we were taken outside for a shower. There were ninety-three men and just two showers. The showers started at nine a.m. and stopped at three. So we had about two minutes each under there.

They also had an outside facility called a strip cell. It was the size of two cells with four walls, with bars across the top instead of a roof. It was their idea of recreation. It was like a cement cage. And who wants to go out there in the cold with just those overalls. So we all just stayed in our cells, twenty-four hours a day.

No one knew how we were chosen. If you had come into contact with the authorities before, they picked you. Some guys had been at the negotiating table. Some brothers who had played only a minor role were there. And others, who had played significant roles in the revolt, were able to escape HBZ and go back with the prison population.

People think the riot at Attica was over on September 13. But ninety-two men are still in segregated cells at Attica or moved to other prisons throughout the state. The State of New York killed nine of its own men and to whitewash the crime tried to pin the murders on us. The ninety-three of us—myself included—are all

facing possible charges of having killed a correction officer, which is a capital crime. If found guilty, we face the electric chair.

Before September 9, 1971, I had had no serious prison infractions, and on February 8, 1972, I would have served two-thirds of my time—thirty-two months—and hence become eligible for conditional release. On November 16 I gave an interview to ten newsmen, while I was still in HBZ, attacking the prison authorities for their attack on the yard and their treatment of the men in HBZ.

The following day I was called before a time-allowance board meeting of prison officials, and on November 19 I was told I had lost a month of good prison time because of my record of serious infractions before the riot.

Herman Schwartz, my lawyer, wrote to Commissioner Russell Oswald to protest. On December 3, 1971, I received a letter from Oswald's office giving me back my lost month.

On December 13 I testified in Federal District Court about the retaliation exacted against me and the ninety-two others in HBZ. On December 22, the Department of Corrections reversed itself and took away the month of good time again.

On February 7 I appeared in Federal District Court of the Western District to protest losing the month. Judge John Henderson, ruling in my favor, told the Department of Corrections that it could not take away and give back a man's freedom so he had no idea when and if he was ever to get out of prison.

On February 8 I was conditionally released from Attica.

But I have been indicted on a charge of 34 (thirty-four) counts of first-degree kidnapping, which if convicted of just one—least of all, all thirty-four of them—I stand to do life in prison for each conviction.