

1967, he came out of a cellblock gang fight carrying a length of pipe. On June 8, 1967, he refused to obey an order, then assaulted the guard who gave it. On Oct. 17, 1969, guards caught him in possession of a simulated gun, made from a coat hanger and masking tape.

On Jan. 16, 1970, he and two other prisoners beat a guard to death: Or so it was alleged. (There is no doubt that the guard was beaten to death.) On being led back to his cellblock, he smashed a guard in the rib cage, shouting, "I'm going to kill you."

And then, of course, the next gun he was caught with, on Aug. 23, of this year, was a real gun, not a false one. That gun allegedly was given to him by a young man I used to know, the kind of man who takes seriously the allocations of blame according to Tom Wicker.

CONGRESSMAN CHARLES B. RANGEL  
AND FRANK J. BRASCO DISCUSS  
ATTICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. RANGEL. Mr. Speaker, on Sunday, September 26, my friend and colleague from Brooklyn, N.Y., Representative FRANK BRASCO, and I appeared on WNBC-TV's "Newsnight" program to discuss the situation at Attica with members of the working press.

Congressman BRASCO and I serve together on the Select Committee on Crime and were part of the investigating team from the committee which visited the Attica correctional facility. Last Wednesday, September 29, I returned to Attica myself in an attempt to clear up some of the many questions still unanswered.

Because of the significance of Attica in light of our history of failure to recognize and deal humanely with the problems of prisoners in our society, I believe my colleagues will be interested in reading our remarks, based on our first-hand investigation.

The remarks follow:

NEWSLIGHT

Guests: U.S. Representative Frank J. Brasco (Dem.-N.Y.), U.S. Representative Charles B. Rangel (Dem.-N.Y.).

Moderator: Ben Grauer.

Panel: Gabe Pressman, NBC News, Jay Levin, New York Post, Jack Newfield, The Village Voice.

ANNOUNCER. WNBC-TV invites you to join the working press in action here on Newsnight. To introduce our guests and our panel here is the moderator of our program, Ben Grauer.

BEN GRAUER. Good morning, and welcome to Newsnight. We have two guests on Newsnight today, Representative Charles Rangel, Democrat, from New York's Eighteenth Congressional District in Harlem, and Representative Frank Brasco, Democrat, from New York's Eleventh Congressional District in Brooklyn. Both these gentlemen are members of the Congressional Committee investigating the insurrection at the Attica Prison which led to the death of forty people, and the death of George Jackson is also part of their investigation. Jackson, one of the so-called Soledad Brothers at San Quentin Prison in California. Here to question Congressmen Rangel and Brasco is a panel which includes Gabe Pressman of NBC News, Jack Newfield

of The Village Voice and our panel is completed with Jay Levin of the New York Post. We'd like to give you a reminder that questions presented by members of our panel do not necessarily reflect their personal point of view, but are put forward to elicit information and comment from our guests.

Mr. Pressman, will you begin the questioning?

GABE PRESSMAN. Congressman Rangel, you have been investigating—that is, your Congressional Committee has been investigating the Attica and San Quentin uprising for several weeks. Do you think anything will come out of this investigation in concrete form?

CONGRESSMAN CHARLES B. RANGEL. There's no question in my mind that things will come out. We have the responsibility of bringing forth suggestions that would minimize the possibility of these tragedies recurring. Some of those things are to have a minimum standard in the protection of the rights of human beings who are in prison. Others would include breaking down the prison system so that it could be closer to society and not exclude people, keeping a fellow out of a cell for some part of the day in order to rehabilitate himself. But in answer to your question as to whether or not society and state and federal legislative bodies are prepared to accept these reform measures, I believe the answer is "no." We are about to stretch out a rubber band until it pops.

PRESSMAN. You mean that whatever you come up with will not be passed by Congress, will not be passed by the legislatures, for instance, of New York and California?

RANGEL. That's correct. Instead of trying to find out the facts and circumstances that caused these things to happen, we are now witnessing one of the biggest news blackouts in history. And it's not new to our country. It happened with Kent State. It happened in Jackson. It happened in Chicago with the Black Panthers. It's happening all over this country. And instead of coming in and saying "what can we do to avoid it," what America is saying, through Governor Reagan, through Governor Rockefeller and through President Nixon is "that we must have more law and order, even if we have to break the law to achieve it."

GRAUER. Before you get into details, Congressman, I presume, Mr. Pressman, you'd like to have—

PRESSMAN. You concur, Representative Brasco?

CONGRESSMAN FRANK J. BRASCO. No, I do not, Gabe. I think that previously society's attitude with respect to those who commit criminal acts was that you apprehend them, you convict them, you put them in jail and that's the end of our problem. But I think the tragedy at Attica and San Quentin has told us very clearly that that is not the end of our problem, but only the beginning. I think that psychologically we are approaching the area where reform to society will be acceptable. I want to just add that one week prior to the Attica rioting, Commissioner Oswald who has been in office only eight months, and put in office because he was considered to be a liberal reformer, had been at Attica after he had just received some four million dollars in a grant from the federal government, and was talking about a whole host of reforms with the prison inmates and some of them had already been instituted. The one that was instituted was that at that time inmates could send out sealed letters to their legislators, both in the congress, the state, and the city, and received sealed returns. They were talking about work release programs, and as a matter of fact, not too many people know this, at Attica, during the time of the rioting, there were still six inmates who were involved in work release programs going to and from the localities of Batavia, I believe,

and Attica itself working; during the day and coming back to the prison at night.

PRESSMAN. Well, very briefly, you disagree with Congressman Rangel.

BRASCO. Yes.

PRESSMAN. You think something good will come of it.

BRASCO. Yes, I think in the nature of reform, it will.

GRAUER. Mr. Newfield.

JACK NEWFIELD. I'd like to address my question to both Congressmen. Assemblyman Eve of Buffalo, and Assemblyman Beatty of Bedford Stuyvesant have both suggested that a grand jury be convened to consider an indictment for murder of Governor Rockefeller. Do you think that's crazy rhetoric, or do you think if your investigation leads in that direction, that the governor might be indicted?

BRASCO. The governor wasn't there. That's the unfortunate fact. I believe sincerely that...

NEWFIELD. Angela Davis wasn't there either.

BRASCO. We should have a grand jury investigation; I think it should be a federal grand jury panel immediately, to determine what violations of the criminal law occurred on either side of the cellblock in the institution. I don't think that, that identifying a potential defendant prior to the time that this constitution has had an opportunity to work, because we're living now in a society that there's very little to believe that this constitution works for all people. I think it's not just the question of prison reform. You know, it's no mistake that eighty five per cent of those inmates are black and Puerto Rican. And I don't think this is genetic. And I think we have to look further and see what happened in Chicago. We have now placed such little value on the life, not only of prisoners, but also of white low-income people who are relegated at positions of being guard, and this is something for America to look at. And I'd just like to say this, that because it's been so difficult for you in the news media to get news there, I think that you grab any and everything you could get without looking for a very large segment of this jigsaw puzzle and no one has demanded his appearance. And I suggest that he is being kept incommunicado, because.

NEWFIELD. Who are you referring to?

BRASCO. Once he is interviewed, you may find out what ninety per cent of the problems are in Attica, New York. And I refer to Warden Vincent Mancusi. This is a man that nobody had asked for. How can you possibly have an investigation without asking to talk with the warden of the institution, who was brought to Attica six years ago in order to maintain law and order at Attica, and he's kept the hot—the pot really boiling right there. I'd like to say that when the Congressional Committee on Crime met with him, when we visited Attica, and the response to one of my questions as to what caused it; it is the belief of the warden that as a result of him instituting the liberal reform policy of allowing inmates to send out uncensored mail to "politicians and lawyers," that this allowed an outside conspiracy to be grown in connection with aiding and abetting the colored communists Maoists. Now this is the man that's the warden.

GRAUER. This is a quote that you're giving us, sir?

BRASCO. No question about it. This is his belief as to why we had this tragedy. . . .

NEWFIELD. Colored communists what, I didn't hear.

BRASCO. Maoists.

(Crosstalk.)

BRASCO. So, what I'm saying is, that if we can have someone like this. . . .

NEWFIELD. Does the warden come from the civil service list, or was he appointed by the governor or the commissioner?

BRASCO. I don't know how he got there, but . . .

(Crosstalk.)

BRASCO. He made this perfectly clear; that he came up through the ranks; he just received his bachelors degree and that he knows prison reform inside and out. And that's the extent of it. And you have to recognize that there was no movement made on any of the twenty eight legitimate demands of those inmates; among those included a baseball field; the opportunity to wash one's behind more than once a week and the opportunity to have clean food, if not decent food.

GRAUER. Mr. Newfield asked for Congressman Brasco's opinion also on the possible grand jury. . . .

BRASCO. Well, with respect to your question, Mr. Newfield, an indictment of the governor, I think that's more rhetoric than anything else. I . . .

NEWFIELD. Why?

BRASCO. I think it's probably an effort to lock the issues if they're not already locked, to a deeper extent. I think that from my own personal observation of what had occurred, you might disagree with the governor's judgment or Commissioner Oswald's judgment, but when you talk about criminal prosecution, you talk about a question of intent and as far as I'm concerned, from my own limited observation, I don't perceive any intent to commit any wrongdoing. I think there was a serious concern about what was going on in the prison. I might say this, if I may. I think that what the commissioner had to work with at the time, and I personally believe that in consultation with the governor, that the commissioner made the decision, he had fact; he had rumor, and obviously fear.

GRAUER. Decision what, to attack?

BRASCO. To assault or storm the prison. There was at least one guard killed at that point. There were inmates who were coming out injured, one we were told had been practically sodomized to death by other inmates; another one had gasoline poured down his throat; and these inmates who came out all told, some thirty of them, were giving stories about other inmates being killed. And the proof was in the pudding. They found four inmates killed. As a matter of fact, when we went around and spoke to inmates, they told us that they were afraid themselves; that many of them didn't want to be in the yard, and I believe them because some of them were to be paroled within a matter of weeks; some of them were to be unconditionally released, one on a Friday and we spoke to ten or twelve of them. So there was a combination of circumstances that led to a judgment, and the question of malice aforethought in connection with that judgment. I don't think is realistic. You may disagree with the judgment, but in criminal intent I don't think that there's any there.

GRAUER. Now Mr. Levin.

JAY LEVIN. Well, you spoke to more than prisoners; you spoke to officials and you were among the first to pierce the news blackout. Did you get the sense that the decision at that moment was absolutely unnecessary; that the governor should have honored the negotiating committee's weeping appeal to come there; to hold off on any kind of use of force; that they felt something could be resolved if he came there and talked to them, not to the prisoners?

GRAUER. You're asking Congressman Bra . . .

NEWFIELD. I'll ask Congressman Rangel first, and then Congressman Brasco.

RANGEL. From those that were there, and you'd have to recognize Governor Rockefeller was not there and neither was I. It seems to me that the negotiating committee and everyone else thought that his presence might have brought about a different ending. Of course, we never know and therefore, the indictment won't come from me there. But I have spent most of my time at Attica—and I'm going back on Wednesday—

trying to find out what facts were available to those who made the decision that might indicate that this attack, and especially the attack orders as given, would minimize the loss of life. I can't see how those instructions being carried out as we found them to be could lead to the conclusion that less life could have been lost than if they went in with their immobilizing gas, or if they went in without arms as we know has happened in the Tombs.

GRAUER. Congressman Brasco.

BRASCO. Well, in connection with that question Jay, from our investigation it was clear that in the closing hours, just prior to the storming of the prison, conditions had deteriorated inside the yard. We had been shown a video tape that was taken, at which time, and the last time that Commissioner Oswald went in himself, and we had gone in on three occasions, the prisoners asked for him, and I might add that after the rioting when we spoke to the prisoners they all thought very well of him. And I think Mr. Rangel can verify that; the point is that the commissioner could not get out the last time; there was someone on the microphone yelling, "Let's hold him as hostage", and indeed he was held I understand, close to two hours. Some of the people on the negotiating committee, who we spoke to found it very difficult in terms of personal fears, returning to the cellblock "D" area themselves. So that in that deteriorating confused situation, in which the last demands were for amnesty, and there seems to be a question as to whether or not one of the negotiators allowed the prisoners to believe that there were members of "Third World" organizations outside ready to take them to foreign countries, "non imperialistic countries"—these were the last two demands which the governor said he could not grant. The twenty eight demands which had been forgotten about, they were agreed too, and I think rather forward looking, were already agreed to in writing by the commissioner. And at that point I don't know what the governor could have done, if anything.

(Crosstalk.)

BRASCO. There is a fact though, that some of the members of the negotiating committee felt that he at least should have shown his face. Whether or not that would have changed things I honestly don't know.

RANGEL. But that's just not so far as the demand to go to a "Third World" country. That was dropped by the inmates and the two demands were the firing of the unseen and locked up Warden Mancus; and the amnesty question. But since you touched on the video tape, which I understand that the press has not had the opportunity to review, it would also indicate, as we viewed it, that on the eve of the orders of attack the inmates were still building their negotiating position to protect the mediators. They had every reason to believe they would return and talk to them. In addition to that, we were very anxious to see those tapes to find out what happened during the attack. And while the administration was very cooperative, the entire film is blurred after the orders were given to attack. We saw the tear gas and after that we saw nothing.

GRAUER. Mr. Pressman.

PRESSMAN. You said earlier that you didn't think anything would come of any of these investigations, or at least the congressional investigations. . . .

GRAUER. Congressman Rangel.

RANGEL. I believe that legislation will come out of this. It will come to the floor, but I think what the President has done was an attempt to formulate public opinion against it.

PRESSMAN. Do you think public opinion is against prison reform?

RANGEL. Think about the order of priorities, those people who are concerned with medical attention, those people who are con-

cerned with the heavy tax burden that we have. What we normally do, and I say society normally does, is to find out where can we cut the fat away from the budget. And, normally, who's selected? The least powerful people in this society. And I think you would have to agree that in this society, cutting funds for the powerless inmates is the first money knocked off. So I don't see this nation coming forward now, saying "Why can't we avoid . . ."

PRESSMAN. Do you think this nation is on the side of the guards or on the side of the prisoners?

RANGEL. It's tragic, and I sincerely hope that I'm wrong. But in leaving Attica and finding the people in that town even refusing to believe their doctor's reports, that the inmates and the hostages died by gunfire, I believe that this country is on the side of the guards, even if in fact the grand jury did prove that there were violations of the law on both sides of the cellblock.

PRESSMAN. Do you think Congressman Rangel, that there is going to be greater repression of prisoners now than there was before?

RANGEL. Well, there's no question in my mind. I don't think Congressman Brasco disagrees that we saw evidence of greater repression in Attica, where so-called. . . .

PRESSMAN. As permanent by-product of what's happened, or as a . . .

(Crosstalk.)

RANGEL. There's talk right now from the governor's office right on down, that prisoners now will be labeled as to whether or not they're rebellious, they're revolutionists, or they're moderate, and they will be systematically segregated or removed from the general prison population.

GRAUER. Congressman Brasco.

BRASCO. I wanted to add to that. I don't think that the general public is against prison reform. I think really what happens Gabe, is that as we talk in terms of trying to assess blame, we sort of have sort of the kids game of choosing up sides, are you on the sides of the prisoners or the guards? But obviously both sides were hurt. This is a kind of problem that affected all people. And one thing that was very glaring to me, is that I don't care what kind of a prison you construct, you cannot—you cannot prevent inmates from taking hostages. So with that in mind, and with the fact in mind that some of these prisoners that we spoke to had very fine minds; minds that were capable of being saved and should be saved. I think that if we put this thing in its proper perspective, and learn the lesson, mainly that . . .

(Crosstalk.)

PRESSMAN. . . . of human beings and of voters to think that now the public will chose up sides, and that they will be on one side or the other?

BRASCO. I think that if we continue in some of the empty kinds of rhetoric, you know, that have been tossed around, in charges and countercharges that we're going to cause further polarization. I think that society on its own is ready to make the determination that we must go forward. And again I must point out that just prior to this, Commissioner Oswald received four million dollars with another million dollars in abeyance from the federal government, under the Law Enforcement Assistance Act, specifically to improve prison conditions. I think we're on the way to doing this. And obviously the sooner the better. But I think that society is ready to accept it.

GRAUER. Mr. Levin.

LEVIN. The governor said the other night that he just can't deal with these radical revolutionaries, indicating that in the future we might have the same decisions from him on a similar situation. I wonder if you feel that it was a matter of radical revolutionaries, or do you think that these people could



have been negotiated with? And in light of your being there also, what do you think retaliation was taken by the guards or by the state troopers afterwards? Those beatings and wanton shootings against those radical revolutionaries who they seem to think had led. . . .

GRAUER. Who is your question directed to? LEVIN. Both gentlemen.

BRASCO. All right. In connection with that, let me say this, I think that you have, and we have to face up to some very serious problems. I think it's—from what I've seen, we interviewed a young man who was, I think, twenty one years old, who had been convicted of stealing a motorcycle; going out into the street, violation of parole, and back again. And then you have people convicted of murder in the first degree. Sixty per cent of the inmates population are people who have been convicted of murder, manslaughter, felonious assault, robbery and burglary. So that there has to be, in my opinion, a separation of inmates by virtue of age, crimes committed, and of course sentences that have to be served. And I think that in that context, what happened was, is that the leaders in the uprising at Attica were the same people, or some of the same people who were involved as leaders in the uprising in the Tombs; who were involved as leaders in the uprising in the Auburn situation. Now in a correctional institution, as I was led to believe by the Commissioner of Corrections, security is determined by the individual who is most apt to cause trouble. Now when you determine security for those individuals, this young fellow here who is no security problem—the motorcycle case, is stuck with that extra and additional security which means that he and others like him spend sixty per cent of the time in the cells because of a security problem.

Obviously there has to be some separation of prisoners. Obviously we have to have smaller prisons, so that security and vocational programs and recreational programs can be completed with safety. And I think that this is a hard fact that we have to look at. And I don't see that that's particularly pointing people out and, you know, punishing them in any way. I think the facilities all ought to be equal, but you have to understand that there are different problems with different inmates. And I think in one of the demands that the prisoners pointed out themselves, that different inmates have different problems by virtue of the crimes they committed, and their backgrounds, and they wanted to see something done along those lines so they don't all get hung with the problems of any one individual.

RANGEL. Let me say this in answer to your question. Asking for a baseball diamond or the opportunity to shower more than once a week does not to be epitomize a radical revolutionary. Those twenty eight demands were conceded by Commissioner Oswald to be just a minimum standard of common decency, regardless of what crime the person had been convicted of. What frightens me is that the governor is using a lot of labels. He's talking about a conspiracy and there has been no evidence submitted to anybody that would give rise to this conclusion. And he's also talking about rebellious radicals and revolutionists. And I submit that if he walked the streets of central Harlem, south Bronx, south Jamaica, where black folks are, you'll be unable to distinguish between the black folks—the militant blacks, the revolutionary blacks, because I think that black folks now are concerned about the loss of life: white, Puerto Rican and black. And we are not going to minimize our standards of human dignity attached to the value of life. We'll have to get rid of these labels. I told the governor that once you start segregating the revolu-

tionists who are you going to select to put a label on me?

GRAUER. Mr. Newfield.

NEWFIELD. I'd like to ask Congressman Rangel a few questions about what may be the next Attica, Dannemora Prison. Two months ago Commissioner Oswald announced that he was passing a new ruling where inmates can communicate with journalists if they wished. This week I got a letter from—which I'll pass to you—an inmate in Dannemora which the warden wrote during this prohibited—and I got this from his lawyer, this inmate says that the inmates in Dannemora are being force fed Thorazine to dope them up; that they are not given toilet paper—this week Senator Dunne was not allowed in Dannemora State Prison. I understand that the warden of Dannemora, Mr. Lavalier, has been given a hundred thousand dollar home, paid for by the state, and these inmates can't get toilet paper. And I can't get into Dannemora and Senator Dunne can't get into Dannemora.

BRASCO. Well you just stand in line, because Senator Dunne and other legislators have a statutory right to go into any state penal institution, and in addition to this, Senator Dunne has been one of the most outstanding reformers in this area. To exclude him just widens the credibility gap, as we attempt to search for the truth.

NEWFIELD. Do you intend to try to get in this week?

BRASCO. I will be there on Wednesday.

NEWFIELD. Will you see that inmate

BRASCO. But I'm saying this, that this is consistent, every time people are shot down. State governments come forth with facts which later found out are just not true. So that as they keep trying to put the lid on, I'm afraid that what we're doing is just stretching the rubber band a little too far.

GRAUER. We have three minutes. The next question, Mr. Levin.

LEVIN. I'd like to get back to something I asked before—the second part. Did you feel that there were wanton shootings by the state police and that the leaders were singled out; that anybody was singled out to be killed after the police moved in, based on your interviews in the prison?

RANGEL. I have no information that would lead me to believe that this unorganized, frustrating chaotic attack was intended to single out individuals for death. I believe it so strongly because even the lives of the hostages could not possibly have been considered during this attack. I do believe also, as a fact, that after the administration took control of Attica that certain inmates were selected and segregated for systematic beatings. We saw evidence of that when we were there last.

LEVIN. There is now a contention by some of the lawyers that at least one inmate was singled out and shot. They have his name; they released it yesterday. Did you hear anything to that effect?

RANGEL. I have been forced to receive only the wildest type of rumors because of the seal that has been placed on information by the governor.

(Crosstalk.)

NEWFIELD. How do we get . . .

GRAUER. Just a moment Mr. Newfield, Congressman Brasco, on that letter from Dannemora, do you want to comment?

BRASCO. Well, on the letter from Dannemora, I think that obviously this is—you just can't agree with this, and it's one of the reasons why all of our attention should be directed towards one objective—reform. I think one of the interesting things that's going on in Attica right now is the Goldman Commission, in which Mr. Clarence Jones, the editor of the Amsterdam News is a participant. One of the twenty eight demands was for a permanent ombudsman, in connection with the community. I think this is a worthwhile objective in all prisoners, or I

should say all prisons should institute this kind of procedure so that Dannemora letter is done away with as soon as possible.

NEWFIELD. Well how do we . . .

GRAUER. Just a moment Jack. We have one moment. Mr. Pressman.

PRESSMAN. Congressman Rangel. You're a member of the black caucus in congress. Did Senator Muskie's recent statement that he didn't believe the country was ready for a black vice-presidential candidate sour the black caucus on supporting Senator Muskie?

RANGEL. I don't know whether he was ever considered the candidate by the black caucus, but I do know we were seriously studying the—the problem is whether the country is ready for a Polish Catholic for President.

GRAUER. We've gone far uphill from the area we've been discussing up to this moment and now I'm afraid our time is up. And we won't be able to continue. So we express our thanks to our two guests today, Congressman Frank Brasco and Congressman Charles Rangel.

Until next Sunday for Newslight, this is Ben Grauer bidding you goodbye.

## PUBLIC HAS RIGHT TO KNOW HOW ITS MONEY IS SPENT

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. YOUNG of Florida. Mr. Speaker, I have just introduced a bill to guarantee the public's right to know how its money is being spent. This measure would close a serious loophole in the present Freedom of Information Act—section 552 of title 5, United States Code—which requires public disclosure by Federal agencies, but fails to include recipients of Federal grants.

The American people provide the funds to run our Government, and they are entitled to a full accounting of how the funds are spent. Any person or agency, public or private, receiving Federal funds for a public purpose, would have to make such an accounting. The only exceptions would be in areas of national defense, foreign affairs or cases involving a clearly unwarranted invasion of personal privacy.

This bill requires that a willingness to provide full public disclosure be made a condition to receiving a Federal grant; that complete records must be kept on how the funds are spent, and that refusal to make these records public will result in the grant being withdrawn.

At present, a recipient of public funds through a grant need not open his books to public inspection. He is only held accountable through a Federal agency administering the grant, or through the General Accounting Office. This can often be a long, cumbersome procedure at a time when prompt information is required.

Democracy thrives in the clear, bright light of full public disclosure; it withers and dies in the closed, dark atmosphere of secrecy. Only a fully informed citizenry can make the meaningful judgments required if our form of government is to work.

The American taxpayer has a right to know how his tax money is being spent.