

# Attica

A flash came across the morning news on September 9, 1971, that a riot had broken out at Attica, an upstate New York penitentiary. The inmates had taken over a part of the prison and were holding some guards as hostages. I immediately thought of my client Tony Maynard, who was incarcerated there. Tony had been convicted of manslaughter, but I was convinced he was innocent and was determined to exonerate him. Almost simultaneously the phone rang. It was Dotty Stoub from the National Lawyers Guild. A post-breakfast scuffle and a defective bolt in a central gate at Attica had literally opened the doors to a full-spectrum revolt. Buildings were set on fire, and forty-two prison employees were taken hostage. One guard was in extremely critical condition. About a thousand of the more than two thousand inmates housed in the severely overcrowded prison had seized a central hub called “Times Square” and occupied D yard—one of four large exercise areas at the center of the medieval-looking walled fortress. Inmates waved baseball bats. They turned prison blankets into ponchos, undershirts into do-rags and kaffiyehs. They thrust fists into the air and shouted, “Black Power!” while others dug trenches and huddled to prepare for battle. Leaders emerged and began issuing demands to the prison administration. A few prisoners roamed the yard wearing football helmets. It was chaos. I was sitting in my kitchen when Dotty called. My kids had just finished breakfast. There was a cup of coffee in front of me. I had recent experience with prison uprisings in the New York State system. Dotty told me what she knew about the situation at Attica, which wasn’t much. The inmates were asking for observers, and a prison activist, probably someone from Youth Against War and Fascism (YAWF), had called the guild. And I was the right person to go. I had spent my entire career becoming the right person to go. A thirty-four-year-old former NAACP

trial lawyer, I had been the protégé of the legendary civil rights attorney Robert L. Carter. In fact I had just started at the NAACP when Carter was working on *Gaynor v. Rockefeller*, an employment discrimination class-action suit brought against New York's then-governor Nelson Rockefeller, who, it turned out, would be the only person with the authority to end the crisis at Attica. In addition, four months earlier I had helped represent the Auburn Six, a group of prisoners from the Auburn Correctional Facility who were awaiting trial for doing more or less the same thing that was going on at Attica, only in that case no prison employees were harmed.

While Dotty was talking, my double life struck me. I already knew I was going, and I could see it in my mind's eye. The prison yard at Attica would be filled with desperate men who faced consequences from the state that beggared the imagination. And the prisoners' only real hope was that the activists who were summoned to be on the observers' committee might somehow do something to avert bloodshed. Immediately the old familiar conflicts stared back at me. The facts were anything but simple. I had three little kids and my wife, Kitty, and we were concerned that I might be putting myself in harm's way.

With help from my grandmother Bessie Warner, Kitty and I had it pretty good. We enjoyed some distance from the overwrought fears that 1970s New York City conjured for many. Crime was on the rise. There were muggings in Central Park and in the streets and subways late at night. The anger in black and Spanish Harlem was very real, but we lived where the police created islands of safety, and Central Park West was a well-patrolled strip of fine-looking apartment buildings, houses of worship, schools, and the Museum of Natural History. Our building had a doorman and a floor captain. We even had a housekeeper to protect us from the lesser evil of a messy apartment and to help with our children. I was just starting out at the NAACP when we bought the place, and I didn't make much money—nowhere near what it cost to live the way we did. But I had no issue with getting help from my family. My dad had gotten a lot of help over the years from my grandmother, and it just seemed to be the way we did things. Though I made a point of not being as showy as my parents, that's not to say that the highly polished, mostly Jewish 55 Central Park West wasn't a nice place to live. The point for me was that it didn't scream wealth and power. I was a civil rights lawyer, so appearances mattered. Our building was about a block from a giant construction site that was slowly becoming Lincoln Center. To many of the people I grew up with, it was still just around the corner from the overcrowded, cut-up brownstones converted

into deteriorating tenements and condemned buildings to the north of Hell's Kitchen. To me, however, it was just what I was looking for: lots of room and on the liberal West Side.

New York was in free fall, the decades-long aftermath of blockbusting, white flight, and urban blight writ large everywhere on graffiti-covered subway cars, smut-touting marquees lining Times Square, and block after block of boarded-up buildings in poor minority neighborhoods. Property values guttered. Some landlords set fire to buildings to get the insurance money or opened vacant apartments to a squatter army of heroin addicts and prostitutes to drive renters away, sometimes right down the block from where we lived. The city was on the brink of bankruptcy. So there was something edgy about even our area, but it let me live in a way that resembled what I was used to from childhood on the East Side, where the upper classes lived. It was my Park Avenue. I made an all-cash offer for the apartment, which was generally considered a green light for co-op board approval. The broker assured me we'd get a rubber stamp, but when that didn't happen there was some back-and-forth until the broker told me that we wouldn't be approved until the co-op board saw a picture of my wife. I was pretty sure it was a race thing. I worked at the NAACP, and my wife could well have been black. I produced a picture of my very Irish Catholic wife, and we got in, but I was painfully aware of the contradiction of being a NAACP lawyer who lived in a building that apparently wouldn't allow blacks to live there. Soon after moving in, I got a confirmation of sorts. The building had rules about which workers for apartment owners could use the passenger elevators and which had to ride the service elevators that were used for deliveries and to take out the trash. Just like in the South, a person's color was the key.

"That's the way it's always been," the manager told me. The board's misgivings about approving a lawyer from the NAACP were not entirely frivolous. I grew up with a black butler and his wife, who served as our cook and maid, and so I was very aware of the ways racial prerogatives affect domestic workers. Quickly I learned that our housekeeper, Joyce McKenzie, who came from Jamaica, would have to take the service elevator to our apartment. I was furious. "As far as it goes with our housekeeper," I told the manager, "that policy is over right now. As for the rest of the building, I'll give you a week." The building gave in. The outcome made me feel better about living there, even though I sensed there could be some resentment among my neighbors. But pretty much every all-white co-op in New York at that time had similar explicit or implicit rules.

Almost immediately after the inmates took control of D yard, leaders emerged. They quickly released a statement larded with the stilted rhetoric of 1960s radicalism. “The incident that has erupted here at Attica is not a result of the dastardly bushwhacking of the two prisoners on Sept. 8, 1971,” the demands began, making reference to a brutal disciplinary action the day before, “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.” Five demands were made, and fifteen “practical proposals.” Among the demands was turning Attica into a federal prison and assuring that the prison would be rebuilt by inmates at minimum wage—not the slave labor that they were protesting. The demands also included “complete amnesty, meaning freedom from any physical, mental, and legal reprisals,” and also “speedy and safe transportation out of confinement, to a non-imperialistic country,” which to mainstream America could only sound like self-parody. The final demand was for an observers’ committee. The leadership provided a list of people they wanted there—including the famed radical lawyer Bill Kunstler, Tom Wicker from the *New York Times*, and Bobby Seale of the Black Panther Party. They also invited others who wanted to be there or who could be useful. I was in the latter category.

I left for Attica wearing a tan polyester summer suit, with my banged-up leather briefcase holding some work papers, a change of underwear, and a few basic toiletries. I had mutton-chop sideburns and wore horn-rimmed glasses. My hair was black and bushy. I walked past the doorman and the pretty flower arrangement in our lobby to hail a cab for LaGuardia Airport, where a plane would take me to Buffalo. It was sunny and warm out—almost fall.

Among the prisoners at Attica was my client Tony Maynard. There was also Sam Melville, a young man from the Weather Underground, a radical organization that had split away from the Students for a Democratic Society (SDS) to, it said, bring the Vietnam War home to America. He was a client of my partner, Henry di Suvero. Tony being there was definitely a motivating factor for me, but I’m not sure I knew Sam was there until I saw him in D yard.

Maynard had been wrongfully accused of a 1967 shotgun killing in Greenwich Village, convicted of manslaughter, and sentenced to ten to

twenty years. Using a shotgun as the murder weapon was completely out of character for this stylish man with an artist's sensibility. The authors James Baldwin and William Styron, who knew Tony, and the editorial chairman and columnist of the then-liberal *New York Post*, James Wechsler, had made a considerable amount of noise about the wrongful conviction, but it didn't matter. As I saw it, the "crime" Tony committed was being black. Making matters worse, Tony had a beautiful white wife, and the two of them had spent enough time making the scene in Greenwich Village to become targets. As Baldwin would later tell me, more than being black, Tony became a target because he was "arrogant and didn't know his place."

I agreed with Baldwin. It certainly didn't help that Tony had what you might call an attitude problem, but fighting the prevailing winds of racial prejudice in the 1960s criminal court system was more often than not impossible.

I had tried Tony's murder case, and I bonded with him during the long days we spent together and the discussions on weekends and after court. When Dotty said "Attica," I heard "Tony Maynard." He was transferred there from the Green Haven Correctional Facility, where I had recently visited him in what was called "the Hole." He was disciplined a lot and was not what one might call a model prisoner. Well spoken, smart, unbending, and rebellious, Tony had all the qualities a prison guard would be unlikely to tolerate. He would make a tempting target when authorities put down the rebellion, which I assumed would happen—maybe even before I could get there.

Tony was wearing a tattered tailored suit—he refused to wear prison clothes—when I caught sight of him in D yard, which we entered with the state corrections commissioner, Russell B. Oswald, to negotiate with the leadership. Tony looked pretty out of place, more like one of the observers than a participant among the thousand or so black, Latino, and white convicts milling around D yard preparing to defend their revolution.

Tony, whose presence made me feel more secure in the chaos of the yard, said, "Once the hacks are back in control, you can forget racial harmony," adding, "Nothing good can come of this." Surveying his fellow prisoners waving homemade flags and chanting "Black Power!" he added contemptuously: "They're all so blind. Today they're kings. They think the world will listen. The TV cameras and negotiations add to the illusion. But no one really cares what happens to a bunch of convicts and the clock-punchers who run an asylum run amok. We're all less than nothing to the people that matter."

I shared Tony's ambivalence about the sort of canned big-talk-but-often-empty radical rhetoric that had emerged from the heyday of the civil rights movement and migrated into the prisons.

Martin Luther King, Jr., once said, "A riot is the language of the unheard." What happened at Attica came close to King's definition. Before they rampaged through the prison, the inmates were an unheard group of people who now had access to the outside world. No one listened to them or even gave them a name. To the all-white guards who controlled their lives, their skin color marked them as subhuman beings. Their only strength came from communication. That's why what happened at Attica was different from a riot. It was an uprising. But unlike the few uprisings that have succeeded, there was no way the prisoners would be able to hold on to the territory they had taken, and failure appeared to be a given. To prevent the stranglehold the authorities had on the prisoners who were trapped in the yard they had seized from turning into a bloodbath, only the observers could open a dialogue, but the odds of either side listening were slim. That's where things stood. Blacks were fed up. Jim Crow and other forms of apartheid like school segregation were now against the letter of the law, but still the norm all over the country and held in place by force and more passive forms of economic domination. Whites also were angry about the threat of black demands for a share of what they saw as their jobs, and the right to move into their neighborhoods and go to their schools. There was a lot of fear all around, but almost no willingness—or, perhaps better, capacity—to occupy the gray area where race issues could evolve and change. As a not-quite-radical, not-quite-mainstream civil rights lawyer, I sensed how difficult it would be to find that gray area in the Attica yard.

The other prisoner I knew about at Attica was Sam Melville. As a white man, he was definitely in the minority there. Because he was my partner's client, Sam sought me out in D yard. He had been convicted for a string of highly publicized Weather Underground bombings that took place in 1969.

When Melville saw me, he talked his way through the phalanx of prisoners guarding the negotiators.

"They're going to come looking for me," Sam said, in a matter-of-fact way. "And I'll be here. I'm a dead man."

"Is there anything I can do?" I asked.

He shook his head. We exchanged a few words, shook hands, and he disappeared back into the crowd.

After it was all over, there were reports that some of the prisoners who led the rebellion were killed long after authorities regained control of the facility. Sam Melville was one of the people mentioned on that list, though he was not part of the leadership. After retaking the prison, state spin doctors said that Melville got shot while trying to explode a fifty-gallon fuel tank. They said he had four Molotov cocktails.

It made no sense. The uprising was over. It would have been suicide, and I saw no inkling that Melville had that kind of ending in mind. To the contrary, the Weathermen issued warnings and planned their bombings to avoid hurting anyone.

TONY MAYNARD AND SAM MELVILLE were both right. The fact that there was a soon-to-be-dead prison guard, and forty-two correction officers and workers—all of them white—being held hostage by prisoners who were predominantly black and Puerto Rican, was the best indicator of how the situation at Attica was going to end. It didn't matter that the only thing most prisoners had to do with the takeover was proximity. It didn't matter that prisoners were often confined to their cells for days on end and were only allowed one shower per week, or that they had to make a roll of toilet paper last for a month and do menial jobs for twenty-five cents a day. It didn't matter that dietary restrictions prescribed by religion were not accommodated, or that their personal letters were censored. They were numbers, not names, subject to whatever brutalities the guards visited upon them, slaves of a system from which there was no appeal.

All this stuff was in the Attica prisoner demands—the list of them growing with every passing day—and officials agreed to twenty-eight of those demands knowing full well that some would require funding as well as a lengthy legislative process that would go nowhere. The list of demands was one that could expand with the ever-expanding universe. And while the prison administrators were willing to rubber-stamp demands that made no real difference, they were steadfast in their refusal to consider any kind of meaningful amnesty.

As I had represented the Auburn Six, I expected as much. In Auburn the prisoners were promised no reprisals if they surrendered, which they did. Then they were terrorized while awaiting trial for charges racked up during the uprising. Word of their treatment traveled far when a federal judge transferred them to prisons around the state, including Attica.

Forty years after the Attica prison uprising was crushed, tapes were released on a Freedom of Information Act request that recorded conversations

between Governor Rockefeller and President Richard Nixon discussing the retaking of Attica. The “silent majority” point of view is unmistakable:

“Tell me,” Nixon began one of the conversations. “Are these primarily blacks that you’re dealing with?”

“Oh, yes,” Rockefeller replied. “The whole thing was led by the blacks.”

“I’ll be darned,” President Nixon replied affably. “Are all the prisoners that were killed blacks? Or are there any white . . .”

“I haven’t got that report,” the governor replied, “but I’d have to—I would say just off hand, yes. We did [it] though, only when they were in the process of murdering the guards, or when they were attacking our people as they came in to get the guards.”

“You had to do it,” Nixon said, as if he were reassuring himself.

In reality Rockefeller didn’t have to do it. After four days of unrest and disorder, things were starting to fray. The weather was horrible. Conditions in D yard were bad and getting worse. Nixon was wrong. I was there. Rockefeller wasn’t. Everyone just needed to be patient. If we couldn’t talk it out, we could wait it out. Rockefeller didn’t want to wait it out. He wanted to make a point. As New York City’s most prominent Puerto Rican politician at the time, Herman Badillo, said, “There’s always time to die.” The claim that prisoners were “in the process of murdering the guards” was a bald-faced lie. Whether Rockefeller was repeating bad information or made it up out of whole cloth is unclear. After the lie became accepted truth in the public imagination, autopsies showed that troopers—not the prisoners—killed the nine prison guards that Monday morning. As for the racial makeup of the prisoners, Rockefeller was lying about that too, unless he unconsciously lumped Puerto Ricans and blacks together under the heading of “minority” and never got word of the whites in that ocean of rage.

Either way, you get the picture.

LATER IN THE TAPES Rockefeller told the president about the observers’ committee that I was on, and the three days we spent trying, and ultimately failing, to negotiate a peaceful end to the rebellion.

“We had a committee of citizens,” Governor Rockefeller said, “invited by the prisoners, thirty-two of them. Tom Wicker was one. We had that Kunstler, that lawyer.”

“Yeah, yeah, I know of him,” President Nixon replied.

“We had the head of the Mau Maus,” Rockefeller continued. “A motley



crowd. And some good people, some legislators. And Tom Wicker was so emotional in this thing that it was unbelievable.”

“Which side?” President Nixon asked.

“Oh, on their side,” Rockefeller replied.

“Always, always,” Nixon said. “I know, I know.”

I was in the room when Tom Wicker, Clarence Jones (the publisher of the *New York Amsterdam News*, who had been one of Martin Luther King, Jr.’s, key lawyers), and State Senator John Dunne made the eleventh-hour call to Governor Rockefeller at his 3,400-acre family estate in Pocantico Hills, begging him to show good faith in the negotiations by coming to the prison. I was there when he said no. In addition to the rain and growing squalor, there were limited amounts of food and water, and Warden Vincent Mancusi controlled both. The prisoners’ position on amnesty and going to non-imperialist countries would soften. They would get hungry. They would get more miserable. I had already negotiated a provision that prisoners would not be charged with crimes related to property damage. But even though there was virtually no hope we could expand the concept to limited amnesty, we needed to buy some time. Rockefeller declined.

In the morning on the fourth and final day of the uprising, the sound of helicopters signaled the beginning of the end. I didn’t know it then, but according to Tom Wicker’s report in the *Times*, the attack began at 9:43:28. New York State Police troopers dropped tear gas into D yard, and they as well as prison guards let loose a barrage of gunfire, shooting into the thousand or so inmates huddled there. Some used dum-dum bullets, which killed and maimed as many people as possible—including the hostages—until the firing stopped. In a matter of minutes, the smoke cleared to reveal a scene of slaughter. The observers inside the prison were safely away from where the shooting occurred. Guards came into our sanctuary and ushered us out of the prison shortly after the attack. Outside, the assembled townspeople jeered and cursed us. In the anguish of the moment, I have forgotten how we were taken away. Inside the yard the guards forced the inmates to strip naked and run a gauntlet, beating them with clubs.

If the Left called it an “uprising,” and to the mainstream it was a “riot,” Tom Wicker and I ended up calling it a rebellion because for those of us who were there, that’s how it seemed. After the prisoner takeover, they were getting a chance to be heard for the first time in America, but they were misheard, distrusted, and ignored while the administration representatives placed all the blame for what happened on them. In short, the keepers and

the kept might as well have been speaking different languages. As much as I liked to think of myself as a person with one foot in each world, I was unable to translate, nor was anyone else able to say what needed to be said. In all likelihood there was no solution other than time, as Herman Badillo had put it. And time meant surrender, with whatever promises of reform had been made, something none of the observers was willing to say face-to-face at the negotiating table while they and the prisoners were together in the yard.

A few hours after troopers retook the prison, I was in the back of a cab heading south on Central Park West feeling defeated, angry, and depressed. I came home wearing the same suit. I stank. Where there had been a toehold to push against what looked like an impending disaster and a sense of mission when I left, there was now a massacre. I feared Maynard was dead. I wondered if any of the inmate leadership had survived. For days afterward my calls to the prison went unanswered.

While we were waiting for the light to change, I remember looking at the Dakota, where the rich and famous lived, with its Victorian gas lamps and bathysphere-like guard booth. We rolled to a stop at my building six blocks south, just above Columbus Circle. I don't recall who the doorman was that night, or the floor captain. I noted the difference between the stewards' room at Attica, where the observers' committee was camped out, and the shimmering terrazzo floors of the lobby as I trudged toward the elevator at the far end of the southern hallway. The elevator man deposited me on the semiprivate landing my family shared with one other apartment. I could hear the sounds of daily life on the other side of our door. My three kids and Kitty were in there safe and sound. The door was unlocked. That familiar feeling that I led a double life was strong as I stood there with my hand resting on the doorknob. I turned it and opened the door. In the foyer my four-year-old, Patrick, came shooting past with a quick hello. I went to our bedroom to change, gathered all the clothes I'd been wearing, and threw them in the garbage.

There was a message waiting for me on the table from *The David Frost Show*, a big television program at the time. They wanted me to be a guest that night. Frost was hosting a special panel on what had happened that morning. I would join Senator John Dunne, Leo Zeferetti, the head of the Correction Officers' Benevolent Association, and Clarence Jones. Although I was on the show, you won't find my name in the online listing of who appeared that night. David Frost turned to me early for comment, which is the one and only reason I'm not listed as one of the guests. I was exhausted

and angry, and to this day I don't regret a thing about what I said. I don't remember what Frost asked me. I do remember attacking Rockefeller: "He only cares about his class prerogatives. The white guards didn't matter any more than the black prisoners to him. They were all expendable."

Cutting me off, Frost turned to cooler, safer voices for the rest of the discussion.

The news was filled with misinformation. Prison officials said the hostages were killed by the prisoners: "I saw slit throats" was repeated over and over. What actually happened took a while to get sorted out, which gave the lies time to settle into the popular imagination. By the time autopsies revealed the truth, Attica was fixed in the public imagination—slit throats and all.

The first of many funerals had been held the same day the story broke about the way the guards had really died. There were two that day. One was for William Quinn, the corrections officer who was injured on the first day of the uprising and—contrary to official reports—the only prison employee actually killed by the inmates. The other funeral was for the first of nine hostages killed when Governor Rockefeller gave Commissioner Oswald the green light to crush the uprising.

On the day of those funerals, the op-ed section of the *New York Times* published the transcript of a Panglossian speech about prison reform by Commissioner Oswald. It had been recorded and played over the public address system at Attica a week before the uprising. The decision to play that tape belied the profound disconnect between the prison administration and the prisoners not just in New York State, but around the country.

There was nothing radical about the need for change. About two weeks before Commissioner Oswald's tape got its chilly reception from the inmates at Attica, George Jackson was shot in San Quentin Prison, and the news spread fast. No ordinary prisoner, Jackson had been a symbol of black resistance. Imprisoned for ten years at California's Soledad prison for a seventy-dollar gas station robbery, his letters had been published in an acclaimed book, *Soledad Brother*, the year before. Acquitted of killing a guard, he had been transferred to San Quentin and killed in what the authorities claimed was an escape attempt. Fearing a national movement, prison officials around the country were trying, and failing, to stop the flow of information between prisoner activists. Mail was read, censorship increased, and little if any effort was made to conceal it. The goal was to squelch news about conditions at other prisons. But not all information

traveled by mail. Visitors and newly arrived prisoners, like the members of the Auburn Six, brought news too.

Even if the flow of information could have been stopped, prison authorities were working under a false assumption. There was no organized movement, nothing orchestrated in any meaningful way—not by the Black Panthers, YAWF, or anyone else. A limit had been reached. The appalling conditions and human rights abuses that were commonplace around the nation's prisons didn't square with two decades of civil rights upheaval. A few prisoners became readers of historical and political works that sought to explain why they and so many who looked like them found themselves imprisoned. As a result some inmates began to see themselves as a byproduct of an inherently biased system. Their crimes, in their eyes, were a form of revolt, with the resulting incarceration making them political prisoners. As for me, I straddled the political fence. On the one hand I saw many of their crimes as the inevitable result of the failure of the War on Poverty. On the other I was afraid of violent crime, and I wanted those who would attack me on the streets sent to prison.

As for prison reform, prisoner activists had a good ear for pandering and propaganda, but as Bob Dylan put it, you didn't need a weatherman to know which way the wind blew. Playing the Oswald tape and then doing nothing was a bad idea. Worse, Oswald had been the commissioner while the Auburn Six were being tortured at one of his supposedly reform-minded prisons. The inmates at Attica took it for what it was—lip service. Even more insulting, it must have seemed as if prison officials weren't even trying particularly hard. The *Times* editorial board called the transcript of Commissioner Oswald's speech "New Directions," and with the majority of Attica's dead still unburied when the transcript was published, the irony was clear. Commissioner Oswald, relatively new to the post he occupied, was definitely premature in touting progress in state correctional facilities when he said: "The main impact of the new direction of the department is the recognition of the individual as a human being and the need for basic fairness throughout our day-to-day relationships with each other." The sad thing was that compared to his predecessor, Commissioner Oswald actually was a reformer.

But Rockefeller had turned Oswald into a bagman. It was his job to shut down the uprising: The governor had to remain untouchable.

AT AROUND SEVEN THIRTY in the evening, four days after the uprising was crushed, a bomb ripped through the offices of the New York Department

of Corrections in the usually quiet state capital of Albany. The offices were on the outskirts of town; it was a Friday night; they were deserted. The Weather Underground immediately claimed responsibility for the bomb, placed a couple of hundred feet from Commissioner Oswald's office.

It seemed like a lot more than four days had passed. Time had slowed to a crawl. Prison officials kept reporters and lawyers seeking to represent the prisoners outside the walls. News was tough to come by, and I could find out nothing about Tony. The deal the observers' committee had feverishly tried to broker among Governor Nelson Rockefeller, prison officials, and the inmates had been talked to death. I could not get the smell of tear gas and gunpowder as we had been escorted through the heavy steel doors to the outside world out of my mind. During the intervening days I'd thought incessantly about the bloodbath hidden behind Attica's thirty-foot walls, and the more than eighty men who were wounded and the thirty-three prisoners and nine hostages who were inside, dead or dying. Repeating in my head, over and over, the final death toll, which was forty-three, I felt as if the forward motion of my life had come to a stop. I was paralyzed. Then the Weather Underground bomb shook me out of it.

Before they set off the bomb, the Weather Underground contacted two newspapers and Pacifica Radio's WBAI in New York City. That was their thing: They made a very public point of being careful not to hurt anyone. Meanwhile the idiocy of setting off bombs remained, and the timbre of the messages attached to these attacks was so overpowered by the Weather Underground's unique blend of overeager, ill-considered radicalism that they might have done better sending no message at all. At least that's how I saw it, but then I suppose from a more radical perch that simply meant I favored the tepid sort of advocacy lampooned in Phil Ochs's 1966 song "Love Me, I'm a Liberal." Ironically, I loved that song. The communiqué that accompanied this particular bombing cited the "white supremacy" of the corrections system, explaining that it was "how a society run by white racists maintains its control." The dispatch went on: "We only wish we could do more to show the courageous prisoners at Attica, San Quentin and the other 20th-century slave ships that they are not alone in their fight for the right to live." Like my outburst on *The David Frost Show*, it wasn't news-friendly language. That said, there was an ocean separating my position from the overheated radical groups that were operating in the late 1960s and early '70s. I did not at all identify with the brand of radicalism that marked their communiqués or their bombing attacks. Perhaps it was the way I lived. I had a house in the Hamptons,

we had a housekeeper, and I liked to go to the opera. I was not one of them.

Unlike today, when the goal of political bombings here and around the world is to kill and to terrorize the public, the self-described militants of the late '60s and early '70s exploded bombs to publicize their message. Like Sam Melville, at least in America, they sent out communiqués warning of the impending action to make sure no one got hurt. Discussions about the war, racism, and other societal wrongs were forced into America's living rooms after each Weather Underground bomb exploded. Without the spectacle, mainstream media paid little attention to fringe points of view. The Weathermen's Oswald office bombing, however, achieved nothing, because while the kind of actual and figurative noise produced by the bombing got attention, it was virtually all negative, and the underlying message was lost in the haze of mild hysteria and disapproval.

By contrast, compared with what the Weathermen did, I thought that perhaps my legal work had some value. The cases I worked on could open doors. I could trudge the more meaningful road of incremental progress. Maybe I could even help stem the Supreme Court's legal retreat from the promise of equality, something I had written about in "Nine Men in Black Who Think White," the *New York Times Magazine* article that got me fired from the NAACP in 1968.

Commissioner Oswald got the Weather Underground's attention because he was Rockefeller's front man. The order to attack on September 13, 1971, was given by him, but he didn't act alone. Governor Rockefeller wanted the situation to be resolved, and he wanted it done at arm's length. The sort of voter Rockefeller had in mind as he unleashed the force of repression at Attica, or pushed for the infamously anti-black and Latino Rockefeller drug laws, was an archetype like Archie Bunker from the sitcom *All in the Family*—which premiered nine months before the Attica rebellion—actually around the time I was at Auburn. It was all conveying to whites that he would hold the line on their prerogatives and keep blacks at a distance to protect their way of life.

Whatever happened to Sam Melville, the bomb that went off in Albany was a response at least in part to his death. I remember a few things: I was unhappy to hear that the Weather Underground did it; I thought the bombing made no sense, and also that the Underground was trying to co-opt something that it had very little (if anything) to do with; I was relieved to hear that no one was hurt, and I thought the action would be easy to dismiss, but I could also hear President Nixon's silent majority saying that

the Attica slaughter was unavoidable with such lunatics taking over the prison. Having fought against deeply ingrained institutional racism as an NAACP lawyer, I had learned that the way you talked mattered a lot, and if you spun something like an argument about racism even slightly askew, like using the phrase “white supremacy” even if that was exactly what you were facing, there was a cost: You risked losing in the court of public opinion. And perhaps that is what I did on *The David Frost Show*. But what I said was on the mark. If given another chance, I would probably say the same thing again.

If you listen to the Nixon tapes, you will hear Rockefeller’s lack of concern, his contempt for the prisoners, the observers, and even his failure to recognize the sacrifice of the guards’ lives. It’s impossible to miss. It was a class thing as well as a race thing, and I was in a unique position to know. I had deep class roots in my family and plenty of prerogatives, and I know how that shaped me. So there was irony in my attack on Rockefeller’s prerogatives.

The wealth I was born into exposed me to the social reality of racism from the opposite side of the issue. Growing up, we always had servants, they were always black, and at some point that started becoming emotionally freighted for me. Eventually there was a disconnect in my life when it came to race, which I have spent many years trying to piece together. What happened at Attica, however, was clear. It exposed me to more than the social reality of racism: There I saw all of its absolute ugliness.