**A Nation of Law? (1968-1971)**

**BOBBY SEALE:** When our brother, Martin King, exhausted a means of nonviolence with his life being taken by some racist, what is being done to us is what we hate, and what happened to Martin Luther King is what we hate. You're darn right, we respect nonviolence. But to sit and watch ourselves be slaughtered like our brother, we must defend ourselves, as Malcolm X says, by any means necessary.

**WILLIAM O'NEAL:** At this point, I question the whole purpose of the Black Panther Party. In my thinking, they were necessary as a shock treatment for white America to see black men running around with guns just like black men saw the white man running around with guns. Yeah, that was a shock treatment. It was good in that extent. But it got a lot of black people hurt.

**ELAINE BROWN:** There was no joke about what was going on, but we believed in our hearts that we should defend ourselves. And there were so many that did do that.

**NARRATOR:** By 1968, the Black Panther Party was part of an increasingly volatile political scene. That summer, the National Democratic Convention in Chicago was disrupted by violent clashes between demonstrators and police. The war in Vietnam polarized the nation and the political and racial upheaval at home soon became an issue in the presidential campaign.

**PRESIDENT RICHARD NIXON:** This is a nation of laws and as Abraham Lincoln had said, no one is above the law, no one is below the law, and we're going to enforce the law and Americans should remember that if we're going to have law and order.

**JERRIS LEONARD:** I think it's fair to say that as the Nixon administration came into office, as we came into office in 1969, there certainly was a strong perception of radicalization.

**NARRATOR:** In Chicago, and in other cities, FBI director J. Edgar Hoover, expanded surveillance of organizations in the black community, especially the Black Panther Party. Directives issued by FBI headquarters a few weeks after the elections called for "imaginative and hard hitting counterintelligence measures aimed at crippling the Black Panther Party." On Chicago's west side, the Panthers had just opened their first office in Illinois.

**FATHER GEORGE CLEMENTS:** Well, the thing that I really loved about the Black Panthers is that they refused to be ignored. It was very easy to ignore black people back then because everybody figured, "Well, it's just a lot of talk. They're not going to do anything, they'll just go on and on and on moaning and groaning about how terrible everything is. And they at the best, they just might get involved in some acts of nonviolence." But that's about it, and they just kind of -- you know, business as usual. You couldn't have business as usual with the Black Panthers. The Black Panthers were definitely going to be heard.

**FRED HAMPTON:** So we say, we always say in the Black Panther Party, that they can do anything they want to us. We might not be back, I might be in jail, I might be anywhere. But when I leave, you can come out there, with the last words on my lips, I am a revolutionary and you're going to have to keep on saying that. You're going to have to say that I am a proletariat. I am the people, I'm not the pig. You got to make a distinction. And the people are going to have to attack the pigs. The people are going to have to stand up against the pigs. That's what the Panthers is doing, that's what the Panthers are doing all over the world.

**NARRATOR:** Fred Hampton, a former NAACP youth organizer, became at age 20, chairman of the Illinois chapter of the Black Panther Party. The Panther's programs drew mixed reactions in Chicago's black community.

**MARION STAMPS:** Many black people initially was very, very afraid of the Black Panther Party.

**NANCY JEFFERSON:** I understood where they were trying to go politically and felt that they had to change things, and when I talk about fear, I was afraid they weren't going to do it right. And I was always trying to cool them out and say, "That's not the right way to go." They were too direct.

**HOWARD SAFFOLD:** You could tell that this was a movement that was very meaningful to them. And none of them were suicidal, so it wasn't like they were out there trying to figure out a way to get killed. But they did honestly and truly believe in power to the people. I mean, that was their slogan.

**MARION STAMPS:** Here you found some brothers and sisters saying first, you know -- Look, the United States Constitution guarantees us the right to bear arms and to protect ourselves. And we understand that we need protection in the black community and it's our responsibility to protect black women and black children, not the police. Because the police is not here to serve and protect us, only to continue to enslave us. It is our responsibility to see to it that our people have a decent place to live, decent food to eat, and quality health care, not the system. So that find a lot of people -- I mean, they didn't think that it could happen, they didn't think that it was right.

**FRED HAMPTON:** People learn by example. I don't think anybody here has an argument with that. I think that when Huey P. Newton said that people learn basically by observation and participation, I think that everybody caught on to that. So what we're saying here certainly is they learn by observation and participation, then we need to do more acting than we need to do writing. And I think the Black Panther Party is doing that. We didn't talk about a breakfast for children program, we got one.

**PANTHER:** Come on in, little brothers, come on in, little sisters, you all can sit down and get something to eat.
**NARRATOR:** The new breakfast for children program soon attracted the attention of the FBI. Claiming the program served to indoctrinate children, the Bureau directed field offices to "Formulate specific counterintelligence techniques to disrupt this nefarious activity." The FBI stepped up its efforts to recruit blacks to infiltrate the Black Panther Party.
**WILLIAM O'NEAL:** My recruitment by the FBI was very efficient, very simple, really. I'd stole a car and went joyriding over the state limit. And they had a potential case against me, and I was looking for an opportunity to work it off. And a couple months alter, that opportunity came when the FBI agent Roy Mitchell asked me to go down to the local office of the Black Panther Party and try to gain membership.
**DEBORAH JOHNSON:** I think everyone that was in the Black Panther Party kind of understood that it was a given that we would have wiretaps, that we would be followed, that we would be harassed, we'd be locked up, that we would even be beaten by the police.
**NARRATOR:** In the winter of 1969, law enforcement agencies launched efforts to undermine an attempted coalition between the Black Panther Party and the Blackstone Rangers, a Chicago gang.
**HOWARD SAFFOLD:** The Panthers were pursuing an ideology that said we need to take these young minds, this young energy, and turn it into part of our movement in terms of black liberation and the rest of it. And I saw a very purposeful, intentional effort on the part of the police department to keep that head from hooking up to that body. It was like, you know, do not let this thing become a part of what could ultimately be a political movement, because that's exactly what it was.
**NARRATOR:** FBI agents wrote an anonymous letter to Jeff Fort, the leader of the Blackstone Rangers warning Fort that the Panthers have, "a hit out for you." The Bureau knew that the information was false, but believed that Fort might take retaliatory action against the Panthers. Meanwhile, city officials announced a crackdown on gangs.
**REPORTER:** Would you say that street gangs can do no good? Is that what you would say?
**EDWARD V. HANRAHAN:** No, I wouldn't say that. I think that the energy of youth properly directed could be a tremendous betterment, could lead to a tremendous betterment of our city and individuals progress themselves. Now, I am complaining about the misdirection, I am complaining about the fact that 620 out of 693 shooting victims are black themselves, and I think that's a tragedy. That is where the black genocide is occurring here.
**NARRATOR:** The Chicago police expanded their anti-gang campaign to include the Black Panther Party. In late May, Fred Hampton was sent to prison. He had been convicted on a charge of stealing $71 worth of ice cream bars.
**WILLIAM O'NEAL:** We tried to develop negative information to discredit him, just like we did everybody else. We, me and the FBI, tried to come up with signs of him doing drugs or something. And never could, he was clean, he was dedicated. I've had private conversations with him. We got along pretty well.
**NARRATOR:** While Fred Hampton was in prison, a police raid on the Panther office turned into a shootout. Five policemen and three Panthers were wounded.
**PANTHER:** They did it. ... (inaudible) brothers down, they went back up there and fired inside.
**REPORTER:** Nobody was up there except the police when the fire started?
**PANTHER:** That's right.
**REPORTER:** Frank, you want to come...
**PANTHER:** Get a picture of that, too. Check that door out, man. That's a riot shotgun.
**BOBBY RUSH:** They shot up the door... at the office, arrested some Panthers. And just to show you the nature of the raiding officers there, they burned boxes of cereal that we had on the third floor, deliberately set fire to that. They didn't set fire to the second floor, they set fire to the third floor where all the, you know, and that was kind of indicative of what they were thinking and how they were moving.
**BOBBY SEALE:** The idea on the part of the police was to psych the community out. They call me up the next day, I says, "Is the office open?" "Well no, the police boarded the place up." I say, "Open it back up, you got the lease to the place." "What?" I says, "Open it up, take all that boarding down, paint that place." And the Black Panther Party members start working for a couple of days. The next thing you know, the community starts bringing wood, paint and everything and opened the Black Panther Party office right back up. And of course this was an attempt to terrorize us out of existence, at the same time if we would close down, it would leave the black community saying, "Well, they stopped them."
**NARRATOR:** In a report made public in the summer of 1969, FBI Director Hoover declared the Black Panther Party the number one threat to the internal security of the United States.

**JERRIS LEONARD:** I think, frankly, that he overstated the concern, the real concern, that the Black Panthers were to the country. I think it was legitimate for him to state that they were a violent and unlawful element. But referring to them as the most dangerous or most important, and I don't remember exactly the words he used, the greatest threat to the United States at that time I think was an overstatement.

**HOWARD SAFFOLD:** The police community is sort of a built in reward and punishment system of its own, and you get a lot of rewards when you go after who the boss says is the bad guy and you get him. And I think what J. Edgar Hoover was able to do was to give police officers the impression that it was okay, it was open season. You didn't have to worry about the law, you didn't have to worry about the difference in the executive branch of government and the judicial branch of government. I think what he in effect said, it's our ball game, guys. We've got the authority, we have the capacity, let's crush them.

**NARRATOR:** Panther leader Fred Hampton was still in prison, but efforts were under way to appeal his conviction.

**FLINT TAYLOR:** We were successful and we got him out of jail towards the end of that summer because a Supreme Court justice in the State of Illinois looked at what kind of a person he was, looked at the kind of case it was and gave him appeal bond. That's the first time I saw Fred, and I was a young, white student in a predominantly black church, full to the rafters, welcoming Fred Hampton back.

**FRED HAMPTON:** Okay, you can put your hands down now, we're all power to all people. You say white power to white people. Brown power to brown people. Yellow power to yellow people. Black power to black people.

**ELAINE BROWN:** We'd go out, we'd drive along some schoolyard or something, and there are like 200, 300 people waiting there for Fred to show up. And the phenomenal part was, I mean, these are all people from the streets, I mean, who are not going to get up and go to work or anything else, and never had no discipline and never would. But there they were, and it was 6:30 in the morning, freezing Chicago weather. And Fred would have them out there doing pushups and jumping jacks and getting themselves energized for the day's work, which included making the breakfast, which included selling papers, which included working in the medical clinic, which included a bunch of stuff. This was a very day to day kind of thing of the Black Panther Party. And you have Fred out there rallying them, and he'd say, "All right, all right, all right, power to the people." Everybody'd say, "Power to the people." He'd say, "Now, I'm not going to die on no airplane." They'd say, "No." "I'm not going to die slipping on no ice." They'd say, "No." He'd say, "I'm going to die for the people because I'm going to live for the people." They said, "Right on." He said, "I'm going to live for the people because I love the people." And they'd say, "Right on." And he'd say, "I love the people, why?" And they'd say, "Because we're high on the people, because we're high on the people." And that was Fred Hampton. When you saw this, this was 21 years old, it was unbelievable. You could not not be moved by Fred Hampton.

**NARRATOR:** In the fall of 1969, Chicago was the scene of a controversial trial. The defendants were leaders of the anti-war demonstrations that had taken place during the Democratic Party convention. National Panther chairman, Bobby Seal, insisted on speaking in his own defense. On October 29th, trial judge Julius Hoffman ordered Seal bound and gagged.

**REV. C.T. VIVIAN:** This is a symbol to every one of us, black men in our courts, are gagged. Black men in our courts do not feel as though there is any justice. Black men in our courts, when ever case they come, feel the judges do not understand and are without mercy.

**NARRATOR:** Two weeks later, a gun battle on Chicago's south side further escalated tensions. A former Panther and two policemen were killed. The deaths provoked a response from informant William O'Neal's FBI contact.

**WILLIAM O'NEAL:** Mitchell became more specific during that time. He wanted to know the locations of weapons caches. He wanted to know if we had explosives. He needed to know who was staying at what locations, who spent the night where. His information didn't change so much as he requested more detail. And I knew why, the shootout on the south side had pretty much laid the foundation within the party, within the Black Panthers, we knew that the police would react some type of way.

**NARRATOR:** Expecting police action, the Black Panthers had fortified their office. FBI informant O'Neal was now head of Panther security in Chicago.

**FRED HAMPTON:** We are very confident that nobody's coming in the front door, nobody. Everybody getting on the roof, you know. Yes, we do defend our office as we do defend our homes. This is a constitutional right everybody has, and nothing's funny about that. The only reason they get mad at the Black Panther Party when you do it is for the simple reason that we're political. And they don't want to admit that there are a lot of young organizations around, but we're a political organization. We are an organization that understands that politics is nothing but war without bloodshed and war is nothing but politics with bloodshed.

**NARRATOR:** On November 19th, FBI agent Roy Mitchell drew a floor plan of Hampton's apartment based on information supplied by informant O'Neal. On December 4th, at 4:45 in the morning, fourteen policemen, nine white and five black, raided the apartment. Deborah Johnson, eight months pregnant, was asleep in the back bedroom next to Fred Hampton.

**DEBORAH JOHNSON:** The first thing I remember after Fred and I had went to sleep was being awakened by somebody shaking Fred while we were laying in bed saying, "Chairman, Chairman, wake up. The pigs are vamping, the pigs are vamping." This person that was in the room with me kept shouting out, "We have a pregnant sister in here, stop shooting." Eventually, the shooting stopped and they said we could come out. I remember crossing over Fred and telling myself over and over, be real careful, don't stumble, they'll try to shoot you. Just be real calm, watch how you walk, keep your hands up, don't reach for anything. Don't even try to close your robe.

When I was in the kitchen, I heard a voice, an unfamiliar voice say, "He's barely alive, or he'll barely make it." Then the shooting started back again. Then I heard this same unfamiliar voice say, "He's good and dead now." And I knew in my mind they were -- I assumed they were talking about Fred. I knew when I left out of there, I couldn't look towards the room.

**NARRATOR:** Party leaders Mark Clark and Fred Hampton were killed in the raid. Four of the seven surviving occupants of the apartment were wounded. All were charged with assault and attempted murder.

**DEBORAH JOHNSON:** When they locked me up at the police station, I kept begging them for a call, to make one call. I called, I think, the office, the Black Panther office and I spoke to Bobby Rush and he told me that Fred was dead. Fred had been killed.

**WILLIAM O'NEAL:** I remember walking out of the office and looking through a little clearing over on the next block, which was right in front of the Monroe Street address and seeing a lot of police cars over there. And at that time, Bobby Rush came to the office, he had just come from over there, maybe the coroner's office. In any case, we walked back over there and we both were speechless. We just walked through the house and saw where -- What had taken place and where he'd died and it was shocking. And then I was, you know, I just began to realize that the information that I had supplied leading up to that moment had facilitated that raid. I knew that indirectly, I had contributed and I felt it, and I felt bad about it. And then I got mad. You know, I had -- And then I had to conceal those feelings, which made it worse. I couldn't say anything, I just had to continue to play the role.

**NARRATOR:** FBI headquarters authorized payment of a $300 bonus to informant William O'Neal for "uniquely valuable services which he rendered over the past several months."

**MARION STAMPS:** They came in our community just like a thief in the night and they snatched -- They just snatched Fred's life, just like that, you know? And it was just like why? Why? This brother has done nothing to none of you all. The only thing that this brother has done was to instill a sense of pride and dignity and self determination in his people.

**NARRATOR:** State's Attorney Edward Hanrahan gave an official account of the raid to the press.

**EDWARD V. HANRAHAN:** As soon as Sergeant Gross and officers James Davis who were leading our men, announced their office, occupants of the apartment attacked them with shotgun fire. The officers immediately took cover. The occupants continued firing at our policemen from several rooms within the apartment. Thereafter, three times Sergeant Gross ordered all his men to cease firing and told the occupants to come out with their hands up. Each time, one of the occupants replied, "Shoot it out," and continued firing at the police officers.

**FLINT TAYLOR:** The press at the beginning had taken Hanrahan's line, this was a shootout, 200 shots were fired, the Panthers fired half of them. Nobody was really challenging that except a young sometimes reporter by the name of Brian Boyer who went down there, and he saw the evidence and it didn't take a genius to look at what had -- what was there and see that all the bullets were going in one direction and all those bullet holes were pointing towards Fred Hampton's bedroom and the middle bedroom where Verlena and Doc Satchel and everyone was.

**NARRATOR:** Conflicting descriptions of the raid made headlines in the Chicago papers.

**EDWARD V. HANRAHAN:** The account that we made public yesterday gives a detailed explanation of what happened in that apartment. I stand wholeheartedly behind it as absolutely accurate.

**REPORTER:** There is one inconsistency in, well, for example --

**EDWARD V. HANRAHAN:** I do not intend to quibble about that account.

**REPORTER:** Do you know it is the truth?

**EDWARD V. HANRAHAN:** The account that we gave of the events is the truth.

**NARRATOR:** The State's Attorney Hanrahan supported his account with photographs intended to prove the Panthers had fired at the police.

**FLINT TAYLOR:** We went, took those pictures, and saw they weren't what they appeared to be. The back door, the circles around the bullet holes, they turned out to be nail heads. We went and we saw that they were nail heads because we had possession of the apartment. As far as the door that the Panthers were really supposedly firing into, that turned out to be the bedroom door, and it was the door that the police had made into Swiss cheese with their machine gun bullets.

**NARRATOR:** The controversy grew.

**REV. THOMAS STRIETER:** This blatant act of legitimatized murder strips all credibility from law enforcement. In the context of other acts against militant blacks in recent months, it suggests an official policy of systematic repression.
**JOSEPH LEFEVOUR:** The Black Panthers preach every day hate, kill whitey, kill the police, kill the pigs, hate, hate, hate, that's all you hear from them. And they expect us police officers to walk into that apartment with peashooters? You've seen the guns that were there. What were they there for?
**DEBORAH JOHNSON:** Members of the Black Panther Party were taking people from the community through the apartment so they can actually see what was going on. People were able to go through the house and they were lined up all around the block in the cold, in the wintertime, to see what actually happened.
**PANTHER:** We want to keep everything just the way it is.
**PANTHER:** Don't touch no walls.
**PANTHER:** This is the room where first brother Mark Clark was murdered at.
**PANTHER:** Even if they want to take somebody to jail, it would be a simple matter, just shoot some tear gas and ... (inaudible).
**TOUR GROUP MEMBER:** Right on.
**PANTHER:** This is where our chairman had his brains blown out as he was laying in bed, sleeping at 4:30 in the morning.
**FLINT TAYLOR:** I think that the police waited until the 17th of December to actually seal that apartment, so it was open for almost two weeks. And we spent a better part of those two weeks getting that evidence out of there. And so we would be talking to people when they went through and so while we were working, these people walking through constantly. And I'll never forget, I don't know what day it was or what, but I just remember some older black woman coming through there, shaking her head and going, "It's nothing but a northern lynching."
**HOWARD SAFFOLD:** The people who had just come purely out of curiosity, were saying, "This is atrocious." Even law and order people were saying, "This is unlawful and it's disorderly and it's obviously not part of what I want to condone in terms of my law enforcement or my taxes to be protected. This is not the police function here." People realized that there had been a trial, a conviction, and an execution in that house.
**NANCY JEFFERSON:** You know, it can happen to any of us, and that was fear, shame, you know, sorry. What could we do? Why couldn't we have protected Fred?
**GEORGE CLEMENTS:** I had a mass for Fred, and I was just shattered, I was devastated. And in the midst of this mass, I was trying to explain to our children, we had all the school children there, all 1,300, and I was trying to explain to them the importance of Fred. And I wasn't getting through, at least I felt like I wasn't getting through. And in the midst of my explanation, I just burst into tears. And the next thing I knew was here was one of our 8th grade boys. He jumped up and he said, "I am Fred Hampton." And then a girl in the 6th grade, she jumps up and says, "I am Fred Hampton." Another kid in first grade, "I'm Fred Hampton." And before you knew it, the whole church, kids were all shouting, "I am Fred Hampton." And wow, I just felt so wonderful, I felt like gee whiz, this death was not in vain at all because these kids are saying that they are willing to get up here and speak out for liberation, for first class citizenship.
**NARRATOR:** In the weeks that followed, public pressure lead to a series of investigations. An FBI ballistic expert established that all but one of the more than 90 shots had been fired by the police. All charges against the Panthers were dropped, no police were indicted. But the families of Hampton and Clark and the survivors of the raid sued the government for violation of their civil rights. Years later, the case was closed when federal and local governments and the police agreed to an out of court settlement of $1.8 million dollars. The scope of the FBI counterintelligence program, COINTELPRO, began to emerge in 1971 after political activists broke into an FBI office in Media, Pennsylvania. Stolen FBI files documented extensive FBI operations against U.S. citizens and organizations, including traditional civil rights groups.
Amid growing criticism of the counterintelligence program, President Richard Nixon reaffirmed his support for the FBI during graduation ceremonies at the Bureau's national academy.
**PRESIDENT RICHARD NIXON:** I am honored to be here to break into your graduation ceremony, to reassure you and all of the men in law enforcement throughout the country of the support you have at the very highest levels in government for your work. And I am honored to speak for the entire nation in saying to you congratulations, wishing you well and seeing that this nation is one in which we will have respect for law, in which the American people can have freedom from fear.
**ANGELA DAVIS:** We had talked about police brutality, the Black Panther Party talked about the police as an occupying force in the community. But we had not really understood the extent to which the whole criminal justice system, the police, the courts, the prison system, is very much intertwined with the economic oppression of black people.

**NARRATOR:** Blacks and Latinos filled the nation's prisons in disproportionate numbers. At Attica Correctional Facility in upstate New York, they comprised more than 60 percent of the inmate population. Most came from poor, inner city neighborhoods.
**MICHAEL SMITH:** I think the system was damaging to the people that came in. The only inspiration anybody could have not to go back, the desire not to go back to a place like that is because of what a horrible place it was.
**ANGELA DAVIS:** There's always the tendency to push prisons to the fringes of our awareness so that we don't have to deal with what happens inside of these horrifying institutions.
**FRANK SMITH:** Conditions in 1971, before the rebellion, was bad. You know, bad food, bad educational programs, very, very low, low wages. We were called slave wages. You know myself, I was working in the laundry and I was making like 30 cents a day being the warden's laundry boy, and that was the title that you had, was my job, warden's boy. And I'm far from a boy.
**AMIRI BARAKA:** We always thought of the jails as a kind of explosive resource for, you know, revolutionary change. Certainly people like Malcolm X had come out of prison and the Nation of Islam had done a great job of, you know, transforming a lot of people who had been in prison. And some people in prison, you know, had been in the Panthers and things like that. So we saw revolutionary activity as a means of transforming prisoners into revolutionaries.
**NARRATOR:** One of the most impassioned voices to emerge was George Jackson's. His published letters from prison had reached a wide audience. On August 21st, 1971, Jackson was shot to death in San Quentin Prison in California. At Attica, the news of his death greatly affected the inmates.
**FRANK SMITH:** When it really hit me was going to breakfast that morning. And everybody was crying, nobody wasn't picking up no silverware. You know, when you go in the dining room in the mess hall, you had to pick up a knife, spoon and fork. And when you come out, you had to have that. Nobody was picking up, nobody was talking.
**HERBERT X. BLYDEN:** I don't know if I can describe in words how it affected me because George was, in effect, my mentor. I remember his going to court in shackles and the brother would stand erect, you know, proud black man that he was. And they had not broken his spirit, and these were the things that Dr. King and Malcolm talked about, the breaking down of the black man's spirit.
**NARRATOR:** Three weeks later, a fight between inmates and guards at Attica sparked a prison-wide uprising. Violence swept through the institutions.
**HERBERT X. BLYDEN:** The general chaos was such that even I was taken aback. Because you had 40 or 50 correction officers who no longer appeared to have control of the institution. So order had to be made out of this disorder, and at that point, the Muslim contingent in the yard, I think there were 35 Muslim brothers, saw to it that there was no further injuries to the hostages.
**NARRATOR:** The newly established inmate leadership released 11 injured guards, but still held hostage 39 prison employees. Commission of Corrections, Russell Oswald, agreed to negotiate. Accompanied by advisors and a local television crew, he entered the yard where 1,200 inmates were in control. A news team was permitted to talk to a hostage.
**REPORTER:** Have you been treated all right?
**FRANK STROLLO:** Yes, I have so far been treated very good.
**REPORTER:** No complaints, no problems?
**FRANK STROLLO:** No.
**NARRATOR:** The meeting with Commissioner Oswald quickly focused on inmate fear of reprisals for the rebellion.
**HERBERT X. BLYDEN:** Due to the fact now that the sheriff's department of the various counties and the state troopers has taken over because it has been declared now a state of emergency, you couldn't guarantee no reprisal anyway. This is now out of your hands, isn't it, Commissioner?
**RUSSELL G. OSWALD:** No, it is not.
**HERBERT X. BLYDEN:** You still control the state troopers?
**RUSSELL G. OSWALD:** Absolutely.
**HERBERT X. BLYDEN:** All right now, you want to put your no reprisals in writing?
**RUSSELL G. OSWALD:** Yes.
**HERBERT X. BLYDEN:** Would you start doing that?
**RUSSELL G. OSWALD:** I talked as rationally as I could with them, and listened to them for some period of time. And ultimately, they said they had an agenda of what they wanted. And I said, "Well, give me the agenda."
**NARRATOR:** The agenda included demands for improved conditions. The inmates called for educational programs, an end to censorship of letters and magazines, adequate health care and hiring of black and Spanish speaking guards. Distrustful of state officials, the inmates also asked for outsiders to observe negotiations.

**ELLIOTT BARKLEY:** Assemblyman Arthur O. Eve of Buffalo. The Prison Solidarity Committee of New York. Minister Farrakhan and the Muslims. We want Huey P. Newton from the Black Panther Party. And we want the chairman of the Young Lords Party.
**NARRATOR:** In all, the inmates requested 13 observers.
**FRANK SMITH:** I felt good. You know, I felt relieved. I felt, I guess, liberated, you know, that I didn't have to worry about the bar in the front of me. Even though I knew that I was -- I felt and knew that I was in prison, now that's the reality. But that visible thing wasn't there no more. You know, the walls was there, but that bar wasn't really in the front of me, that visible bar. It was more invisible then.
**ELLIOTT BARKLEY:** Wait 'til you get the cue. It's on now? All of us here realize that wherever there is struggle, there is sacrifice.
**NARRATOR:** The next morning, Commissioner Oswald returned to the yard, still seeking a negotiated solution to the crisis.
**RUSSELL G. OSWALD:** I talked with the governor's legal counsel yesterday and he told me the same as Mr. Schwartz told me, and that is that the governor, and no one else, has the power to grant amnesty for the commission of a crime and that falls within the purview of the local law enforcement authorities.
**HERBERT X. BLYDEN:** Mr. Oswald, Mr. Oswald, now you and I know that's a lie.
**ARTHUR O. EVE:** Amnesty was very important to the inmates because it to a great degree would determine what happened to them after the state took over, whether or not there was going to be a peaceful kind of takeover, and subsequently how they would be treated.
**NARRATOR:** The talks had reached an impasse. Tensions in the yard increased.
**INMATE:** We have been asking for over 29 hours for food and water. We haven't got none, we're going to keep Mr. Oswald, Mr. Russell G. Oswald here until we get some food and water.
**RUSSELL G. OSWALD:** I'll see as soon as I get back there that food is brought into this yard.
**NARRATOR:** Protected by the inmate security force, Commissioner Oswald left the yard. The hopes of both sides now rested on the outside observers who arrived in Attica later that day.
**TOM WICKER:** We were led down a long corridor which had been trashed and burned out in the initial rioting.
I mean, the first feeling of shock I think for sort of a sedentary, middle class person like me, was the feeling of being out of reach of the law that one ordinarily thinks protects you. You know, that sort of protection we all take for granted until you don't have it. And all of a sudden, I realized that there wasn't anything in there to protect me except these other inmates, and these inmates and it's all too easy to think of them as murderers and thieves and so forth. And that is a somewhat scary feeling, there's no question.
But very shortly after that, we all got down to the business of trying to work out the problems there. The inmate leaders got into some very fervid oratory, they were great orators.
**ELLIOTT BARKLEY:** We are men, we are not beasts and we do not intend to be driven or beaten 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.
**LAVERNE BARKLEY:** The moment I saw him speak on television, I said to myself, "What have you done? What are you doing?" Because I felt that they would make him pay for that and pay dearly.
**NARRATOR:** The first meeting of observers and inmates lasted almost until dawn. The public address system set up in the yard kept the 1,200 inmates informed.
**ARTHUR O. EVE:** There was a sense of hope that for the first time there were some outsiders, people would now begin to listen, and hopefully some changes could be made.
**NARRATOR:** On Saturday, the third day of the uprising, troopers surrounding the prison yard waited for a decision by the state. Using a video camera, they recorded the activities of the inmates.
**POLICE NARRATOR:** There is the ugliest, blackest Negro gentleman I've ever seen in my life in that black outfit. Boy, when they painted him, they painted him dark.
The man doing the speaking is wearing a bright red robe and he's just gotten several very loud responses from the crowd. Typical rabble rouser type talk.
**FRANK SMITH:** It was a good feeling, you know, and especially after we start dealing and start organizing and start talking about the conditions and start talking about why we were out there and start talking about the grievances, and start talking about why we were rebelling and why rebelling was necessary. The feeling became more and more and more into me, and I started feeling a part of it more.
**INMATE:** Ain't nothing dead about us, we going to die. We are not dying here.

**ARTHUR O. EVE:** It was almost a community within a community and it was somewhat very, very impressive, that they said this is our home and we're going to make it as livable as possible. And there was a tremendous amount of discipline there within the yard.
**NARRATOR:** Families and friends of the hostages gathered outside the prison walls, waiting for news. Relatives and supporters of the inmates demonstrated nearby. That evening, the mood in the yard changed. William Quinn, a guard hurt in the initial takeover, had died in the hospital. Governor Nelson Rockefeller and Commissioner Oswald had earlier agreed to most of the demands concerning prison conditions, but rebelling inmates could now face murder charges unless amnesty was granted. The next day, state troopers moved into position to retake the prison, if ordered.
**POLICE NARRATION:** Time is 1:55 p.m., we're on the roof of C Block looking at a detail of 270 marksmen with instructions to clear the catwalks upon command.
**TOM WICKER:** We thought that the situation reached crisis, that in fact there was about to be an attempt to retake the prison. We thought there would be a lot of bloodshed. In fact, we said to the governor that if that happened, there would be a massacre. And his response was that basically that he sympathized with our position, he felt that everything had been done that could be done. He was very, if you -- anyone who remembers Governor Rockefeller will remember his effusive manner. He was very -- Thanked us greatly for our efforts and that sort of thing, but the net effect of it was that he felt everything had been done that could be done. He could not grant amnesty and in fact said that, "Even if I could, I wouldn't do it."
**NARRATOR:** With negotiations deadlocked, inmates requested black and Latino reporters and a member of the establishment press. It was an attempt to speak directly to the public.
**INMATE:** You all dudes running around here shooting that dope, running around here shooting that dope, getting high, raping them sisters, them white folks justifying the cause of revolution. Well, we're going to die here in Attica today or tomorrow, and we ask you to get together, get our people together and unite.
**INMATE:** The people in here are treated like dogs, not only the black, the Puerto Rican and the white. And we're going to get what we planned or we're going to die trying.
**INMATE:** And I want you brothers to get together because we together here, and these people think we shuckin' and jivin' but we is for real.
**INMATE:** All these dogs up there with all those rifles are trying to kill us. Well, we ain't gonna quit. You know, we're not white and we're not going to quit because we're one, we're one unit. We're tired of being beaten, we're tired of being oppressed. We gonna get this if we all have to die, all of us.
**INMATES IN YARD:** We are ready to die. We're going to die, all of us.
**ARTHUR O. EVE:** The hostages appealed to the state not to come in, not to kill, that the inmates requests were right, and at last they were -- I mean, it was a very emotional kind of exchange from the hostages and from everyone.
**STEPHEN SMITH:** I just hope that the Commissioner and the other people on the committee that they've gathered together can come up with a solution to solve these people's problems, and ours.
I'll tell you what I got to say. We've stood out here since Thursday, and my son is in there. Michael Smith is one of the hostages. I've talked with several of the other people here that have husbands in there and some of the fathers. And I can't speak for all of them, but my feelings are this. You can only pacify a kid with a pacifier so long. At 3:00 this afternoon, we was led to believe that there was going to be a definite decision, they was going to bring them out. Now damn it all, do it!
**NARRATOR:** Monday morning, day five. Commissioner Oswald demanded the immediate release of the hostages. In response, the inmates positioned eight of the hostages on the catwalk. By their side, stood inmates armed with knives and clubs, threatening to kill the hostages in case of an attack.
**MICHAEL SMITH:** I was led blindfolded to the top of the catwalk and I can recall when that helicopter flew overhead, besides being able to hear it, you could actually feel the concussion of the propellers from the helicopter overhead.
**FRANK SMITH:** We knew that they were going to come in, but we never knew that they were going to come in there that way. That was really a big surprise, the way that they came in the yard. We thought they were going to come in there and knock some heads and bust some heads open and that kind of way. And once we started seeing the helicopters and they started shooting the gas pellets and I start seeing people get opened up with shotguns, you know, then I knew that they were really coming in there in a violent, violent way.
**JOHN JOHNSON:** It's an awful scene. William Kunstler has said that people are dying in there and I agree with that. I think that people are dying in there and the scene is -- I'm going to cut this off. Helicopters are still flying overhead. It seems there was announcement from the helicopter right above me to the inmates below that they should put their hands on their heads and come out. And I know whether anyone has died inside, as I'm upset and it's unfortunate, what has happened here. Whatever happens

after the situation here in Attica, the penal system in the United States and the people who are kept inside of them will never be the same.

**NARRATOR:** As the inmates surrendered, they were herded into an adjacent yard.

**HERBERT X. BLYDEN:** We were made to strip, lay in the mud, face down... and crawl to a guard 10 to 20 feet away from me, guard that had you stripped. At that point, that guard would mark an X with white chalk on the back of select inmates who were then removed from the mud physically by two additional guards, placed in a line to run the gauntlet of correction officers to be beaten all the way to another cell block.

**FRANK SMITH:** You know, you got to let me explain it this way. You know, it was very, very barbaric, you know, very, very cruel, you know? And, you know, and I really feel it, you know, what they really did. You know, they ripped our clothes off and they made us crawl on the ground like we were animals, you know, and they'd snatch me and they lay me on a table, you know, and they beat me in my testicles and they burned me with cigarettes and they dropped hot shells on me. And they put a football up under my throat and they kept telling me that it would drop, they was going to kill me. And I really felt, you know, after seeing so many people shot for no apparent reason, that they really were going to do this.

**RUSSELL G. OSWALD:** The armed rebellion of the type we have faced threatens the destruction of our free society. We cannot permit that destruction to happen. It has indeed been an agonizing decision.

**TOM WICKER:** We had predicted the day before that it was going to be a massacre. But Herman Badillo turned to me and said, "I don't know what the hurry was. There's always time to die." And I don't know what the hurry was either. You know, those guys weren't going anywhere. They were inside 30 foot walls, it was September, it was getting cold up there, the food was running out, the sanitary conditions were bad, the place smelled awful. I mean, that sense of freedom that the guys had to begin with, just being out of their cells, that was beginning to wear away and the reality of their situation. I don't know what the hurry was, they could have waited two days, three days, four days, those guys would have given up. They didn't have to go in and kill them all. But they did.

**NARRATOR:** Thirty-nine men were killed in the assault; 29 inmates and 10 hostages. Among the dead, inmate leader Elliott Barkley. Eighty-nine men were seriously wounded. Hostage Michael Smith was shot four times in the abdomen. Three inmates were found stabbed to death, killed earlier by other prisoners. Initial reports by state officials that the hostages had died of slashed throats were refuted by the medical examiner.

**DR. JOHN EDLAND:** The first eight autopsies were on the cases identified to us as hostages. All eight cases died of gunshot wounds.

**NARRATOR:** The medical examiner's finding was significant. The inmates had no firearms. Gunfire by state troopers and prison guards was responsible for all the deaths during the retaking of the prison.

**REPORTER:** What did you do during those moments when the assault was actually taking place, the order had been given?

**GOV. NELSON ROCKEFELLER:** Well, I kept in touch by phone and I'll never forget the moment when the report was given that 14 guards had come out alive and while I was on the phone with Bobby Douglas, he said now it's 15, now it's 16, now it's 17, now it's 18, and we went up to 21. And I want to tell you, I just was absolutely overwhelmed. I just didn't see how it was possible with 1,200 men in there armed with electrified barricades, with trenches with a pledge which they said that they would all go right down fighting to the last man, how it was going to be possible.

**REPORTER:** What does this tell you about the prisoners, Governor?

**GOV. NELSON ROCKEFELLER:** Pardon me?

**REPORTER:** What does this tell you about the prisoners, the fact that so many men did emerge unharmed?

**GOV. NELSON ROCKEFELLER:** Are you talking now about -- I think what it tells is that the use of this gas is a fantastic instrument in a situation of this kind.

**REPORTER:** Governor, after that order had been given, did you pray?

**GOV. NELSON ROCKEFELLER:** Not after it, I prayed before.

**NARRATOR:** In towns near Attica, people gathered to mourn the dead hostages. In the cities, families and friends carried the bodies of the dead inmates to their graves. In a country troubled by unrest, the call for law and order remained popular, but many wondered, was the nation well served by law enforcement used to silence voices of dissent? And was America willing to maintain order, no matter what the cost?