

New York State prison guards take plea deal to avoid jail for brutal beating

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Three guards at the Attica, New York maximum security prison escaped jail time as the result of a last-minute plea bargain announced on March 2. On the eve of a trial for the brutal beating of inmate George Williams, the three pleaded guilty to a single misdemeanor count of official misconduct. Their only punishment was the loss of their prison jobs.

The upstate New York facility is notorious for the September 1971 assault ordered by then-New York governor Nelson Rockefeller to end a four-day prison rebellion. The bloody attack killed dozens and made Attica a symbol of both inhuman prison conditions and ruthless state violence. The total casualties after the state took back control were 43 dead, including 11 guards or other state employees, and 89 wounded, in the bloodiest encounter on US soil since the Civil War.

The unprovoked beating of Williams, which left him with two broken legs, a broken shoulder and ribs, a severely fractured eye socket and other injuries, took place more than three-and-a-half years ago, on August 9, 2011—almost 40 years after the Attica rebellion. Although most abuse by Attica prison guards goes unpunished, in this case, as reported in a detailed account on March 1 in the *New York Times*, there were so many witnesses, and the injuries were so severe that an investigation followed and several guards were charged with gang assault, filing false reports and evidence tampering.

Witnesses said that Williams, then 29 years old and serving a sentence of two to four years for robbing jewelry stores in New York City, was punished by the sadistic guards in retaliation for an earlier incident in which an officer who shouted, “Shut the f... up” as prisoners gathered outside their cells had been answered by a prisoner, “You shut the f... up.” At the time, as it happens, Williams was in his cell, and could not have been the guilty party in this instance of “insubordination” to an abusive guard.

In any case, he was singled out for the beating, perhaps because, although no weakling, at 5-foot-8-inches and 170 pounds, he was an easy target for Sergeant Sean Warner, 5-foot-11 and 240 pounds, Officer Keith Swack, 6-foot-3 and about 300 pounds, and Matthew Rademacher, six feet tall and 260 pounds.

As reported in the *Times*, witnesses later came forward, including a 67-year-old inmate, Charles Bisesi, “who saw Mr. Williams pitched face-first into the floor. He saw guards kick Mr. Williams in the head and face, and strike him with their heavy wooden batons. Mr. Bisesi estimated that Mr. Williams had been kicked up to 50 times, and struck a dozen more times with blows from nightsticks, thwacks delivered with such force that Mr. Bisesi could hear the thud as wood hit flesh. He also heard Mr. Williams begging for his life, cries loud enough that prisoners two floors below heard them as well.”

Inmates accused of serious infractions are usually punished with solitary confinement, sometimes for months or even years, but the extent of Williams’ injuries made a trip to the infirmary necessary first. A nurse on duty, Katherine Tara, took stock of the situation and called the prison’s doctor. Williams was transferred to a hospital in the small town of Warsaw, the Wyoming County seat, but soon driven 50 miles to the Erie County Medical Center in Buffalo. There he was operated on, doctors inserting a plate and six screws in one of his broken legs.

The three guards had claimed that Williams was targeted because of a belief that he was holding weapons, and that his injuries resulted after he resisted being frisked. But they suddenly reversed themselves, agreeing to the plea deal, perhaps in response to the publicity on the eve of the trial.

To call these guilty pleas a slap on the wrist would be an overstatement. The defendants, who could have faced five years in prison, even get to keep their state pensions.

The New York State Correctional Association, a non-profit advocacy group that inspects state prisons, declared, in a statement: “It is hard to imagine a plea deal that could have gone further in diminishing the severity of the offense than the one that ended this case: official misconduct misdemeanor charge, resign from employment, no loss of pension and a promise of no jail time. The only thing missing is a letter of recommendation for future employment.”

While noting that it is the first time in history that a New York State prison guard has been prosecuted for brutality, the Association added, “...there’s another message here, one that we know all too well—that the lives of people who are incarcerated hold little to no value. The union representing the guards loudly proclaims that gang violence inside the prisons is a huge problem. We agree. The gang violence engaged in by the three now convicted guards is a huge problem. They savagely beat Mr. Williams and then, conspired to cover it up. Remember, they were charged with gang assault, a felony. In light of the allegations, why weren’t they charged with attempted murder?”

The statement also pointed out that offering the same plea deal even after it had been turned down by the defendants for the past three years was almost unprecedented in felony cases, where defendants are punished for their refusal to quickly agree. The authorities had bent over backwards to avoid a trial in this gruesome beating, and gone out of their way to accommodate the prison guards and their union.

The Wyoming County district attorney welcomed the plea deal, and claimed that Williams had “approved of the settlement.” The *Times* reported, however, that Williams called it “crazy,” adding somewhat bitterly, “I want to wish them a nice life. I’ll send them a postcard.” Williams is also planning to file a civil rights lawsuit in Federal court.

Even without a trial, the story out of Attica shows how little has changed in the last 40 years. Rockefeller’s refusal to visit Attica during the rebellion and the ruthless retaking of the prison reflected the needs of the capitalist state apparatus to demonstrate its control, not only over the prisoners, but against the working class as a whole, at a time of urban unrest, massive strike struggles and the mass movement against the Vietnam War.

Attica, first opened in 1931, is one of 17 maximum security prisons in New York State. Its inmate population of 2,240 is approximately the same as it was in 1971. In the years after the Attica rebellion, a reactionary law and

order campaign throughout the US saw the prison population skyrocket. This was part of the policy of social counterrevolution that included ruthless cuts in social spending, unionbusting, a massive growth in inequality, and the buildup of the police apparatus.

New York’s prison population peaked at about 71,000 in the late 1990s, and has finally begun to fall in recent years, following sharp declines in the crime rate. Prisons like Attica continue to perform their function of isolating and brutalizing some of the most oppressed sections of the working class. Statistics show that, between the years 2009-2013, despite the declining crime rate, incidents involving prison guards at Attica were up by 25 percent. Even the mild punishments in the current case are the exception to the rule. As the *Times* reports, of 228 cases of assaults by prisoners at Attica on guards and other staff members between 2010 and 2013, only one inmate was not convicted of all charges.

Eighty percent of the prison population at Attica is African American or Hispanic, and more than half come from the New York City area, making regular family contact for them almost impossible. Furthermore, prisons like Attica, both in New York and many other sections of the US, have become the largest local employers in economically depressed towns and rural communities. The state recruits prison guards among this population, where no other jobs are available.

In the 44 years since Attica became known around the world, five of the six New York State governors presiding over the appalling conditions at Attica and elsewhere have been Democrats: Governors Carey, Mario Cuomo, Spitzer, Paterson and now Andrew Cuomo.

The conditions in the state prisons are mirrored in those run by New York City. At the Rikers Island prison complex, reports on official brutality continue even after promises of major changes by New York’s Democratic Mayor Bill de Blasio.

These conditions are emblematic of the social inequality that has grown immensely since the Attica rebellion. The explosive tensions that erupted then are today just beneath the surface of society.



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