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Phylis Bamberger, Who Challenged Brutality at Attica, Dies at 79

By Sam Roberts

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Phylis Skloot Bamberger in 1998. A Pulitzer Prize-winning author praised “her insistence that the legal and human rights of prisoners must be taken as seriously as those of people on the outside.”

Phylis Skloot Bamberger, a lawyer who successfully sued to protect inmates from what a federal judge described as “barbarous abuse” by guards in the wake of the 1971 Attica prison uprising, died on Sunday at her home in Manhattan. She was 79.

The cause was complications of Lewy body dementia, her son Richard said.

Ms. Bamberger, who later became a judge herself, and William E. Hellerstein, both of the Legal Aid Society, were the lead lawyers representing the inmates.

The prisoners were appealing lower court decisions denying an injunction against the ongoing “physical abuse, torture, beatings and other forms of brutality” that they said they had endured at Attica, about 37 miles east of Buffalo.

The prison riot left 10 correction officers and civilian employees and 33 inmates dead after exasperated officials ordered the State Police to end the siege. The police stormed the prison on Sept. 13, 1971, in what one prosecutor later branded a “turkey shoot.”

On Dec. 1, 1971, acting on Ms. Bamberger and Mr. Hellerstein’s lawsuit, a three-judge panel of the United States Court of Appeals for the Second Circuit ordered the District Court to prevent guards, State Police and correctional personnel from inflicting any further cruelty on the inmates, as had been committed for at least several days, the judges said.



On Sept. 10, 1971, striking inmates at the Attica State Prison protested brutal treatment they had endured at the hands of corrections officials. Three days later, the authorities stormed the prison with deadly consequences. Associated Press

The ruling, by Judge Walter R. Mansfield, with the concurrence of Judges J. Edward Lumbard and James L. Oakes, said that the actions of those authorities had gone “wholly beyond any force needed to maintain order” and that they had “far exceeded what our society will tolerate on the part of officers of the law in custody of defenseless prisoners.”

Judge Mansfield said that Ms. Bamberger and other Legal Aid Society lawyers had presented sufficient evidence that the inmates' constitutional rights had been violated by an "orgy of brutality." That included beating of inmates who were confined to stretchers, burning of some with matches and forcing others to "run naked through gauntlets of guards armed with clubs."

Heather Ann Thompson, the author of the Pulitzer Prize-winning book "Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy" (2016), praised Ms. Bamberger in an email on Wednesday, citing her "tireless advocacy and her insistence that the legal and human rights of prisoners must be taken as seriously as those of people on the outside."

Dr. Thompson added: "Back in 1971, when the men in New York's dreaded Attica Correctional Facility stood together to call attention to the terrible conditions they faced, Phylis Bamberger not only paid attention, but she spent her life thereafter working to make sure that all of New York's prisoners would have meaningful access to the courts."

Phylis Skloot was born on May 2, 1939, in Brooklyn to George Skloot, who worked in a poultry market, and Martha (Wechselblatt) Skloot, who was employment director for the J. W. Mays Department Store. Phylis grew up in the Crown Heights and Flatbush neighborhoods.

She graduated from Midwood High School and earned a bachelor's degree in 1960 from Brooklyn College, where she majored in political science, and a law degree from New York University School of Law.

Ms. Bamberger being sworn in as a New York State Supreme Court justice in March 1988 in Albany by Judge Judith Kaye, then of the state's Court of Appeals. (Judge Kaye later became the first woman to be appointed chief judge of the state.) New York State Courts

She joined the Legal Aid Society in 1963; by the time she left, in 1972, she was managing appeals in the Second Circuit, covering districts in New York, Connecticut and Vermont.

From 1972 to 1988, Ms. Bamberger oversaw the Federal Defender Services Appeals Unit for the Second Circuit in New York as attorney in charge; in that post she was among the first women to head a federal defender office in the country.

She served as a State Supreme Court justice in the Bronx from 1988 to 2005. Among her cases, Judge Bamberger was scheduled to preside over the first-degree murder trial of Angel Diaz, who was accused of killing Police Officer Kevin Gillespie during a robbery spree with two other defendants in 1996. But Mr. Diaz hanged himself in jail before he could be tried.

The case had received wide publicity when Gov. George E. Pataki removed the Bronx district attorney, Robert T. Johnson, from the case because of his refusal to pursue the death penalty, which had just been reinstated. (Mr. Diaz's accomplices were convicted of other charges and sentenced to long prison terms.)

After Ms. Bamberger left the bench, she taught and wrote about wrongful convictions and other criminal justice issues.

She is survived by her husband, Michael Bamberger, a First Amendment lawyer; their sons, Richard, a former communications director for Gov. Andrew M. Cuomo, and Kenneth, a law professor at the University of California, Berkeley; eight grandchildren; and two brothers, Edward and Robert Skloot.

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