

2 supervision.

3 Many times we wandered around the institution  
4 and had demands on three blocks at one time that we  
5 couldn't possibly cover. There was also a severe  
6 officer shortage. All these thoughts were relayed  
7 to Albany.

8 I think the Commissioner in response said the  
9 he felt we were adequately staffed.

10 Q You are referring to a letter which you  
11 received from Assemblyman Walkley which was a reply  
12 sined by Commissioner Oswald to the Assemblyman  
13 dated May 11, 1971?

14 A That's correct.

15 Q In that letter he stated:

16 "The supervisory staff of the Attica  
17 Correctional Facility consists of a deputy  
18 superintendent, an assistant deputy superintend-  
19 ent, a captain, five lieutenants and ten sergeants.

20 "Because of illness, personal and  
21 annual leaves, and certain institutional tasks,  
22 such as the transfer of a group of offenders to  
23 another facility, a full complement of correction  
24 officers or supervisory officers on any one shift  
25 cannot be guaranteed.

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1  
2 the services of three lieutenants as two are  
3 ill and one position is vacant. The vacancy,  
4 'frozen' by the Division of Budget because of  
5 the austerity budget, has just been removed  
6 from this status and will be filled very soon.

7 "It is my feeling that the manpower  
8 shortage at Attica is not sufficiently serious  
9 at the present time to cause any difficulty in  
10 maintaining proper security."

11 That's the letter you were referring to?

12 A Yes.

13 Q You didn't agree with that conclusion, I  
14 take it, that it was not sufficiently serious?

15 A I would say when you are short three out  
16 of five, I couldn't agree, no.

17 Secondly, like I stated previously, there  
18 was no consistency in staffing. No criteria used.

19 As I stated previously, at Woodbourne they  
20 had 640 residents, 15 sergeants. At Attica they had  
21 2300 and ten sergeants. No criteria for staffing at  
22 all.

23 Q Did you feel that your men worked in any  
24 position long enough to get to know the inmates and  
25 work with them?

1           A     Well, certainly it's extremely                                 700  
2  
3     difficult for a sergeant covering three blocks rather  
4     than being in one block where he could personally  
5     supervise and get to know his inmates or even know the  
6     block.

7           Q     When you came into this institution, did you  
8     have opportunities to get to know inmates?

9           A     You mean on my returning to Attica?

10          Q     When you first started.

11          A     Yes.

12          Q     Did you have opportunities to take an  
13     interest in any inmates?

14          A     Yes.

15          Q     Did you take interest in any of them?

16          A     Well, for example, let's say, you had Boots  
17     Young, there is an inmate that testified this morning  
18     by the name of Young?

19          Q     Yes.

20          A     At the time of his reception in 1960, I was  
21     working as a guidance counselor. I wrote up his case  
22     history, had the pre-parole investigations, followed  
23     his case for approximately two and a half years.

24                 Later in the law library I became involved  
25     in his legal action to the extent that I was notarizing  
   his papers and followed his case, yes.

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1 Q Did you read his briefs and things 701  
2 like that?

3 A Well, I appeared in court while he was there  
4 testifying, so any evidence presented before the court  
5 I heard, yes.

6 Q You appeared just as a security officer  
7 accompanying him?

8 A Right. But as part of my duties.

9 Q But other than notarizing, did you give him  
10 any assistance, encouragement or anything else?

11 A I think to some degree in the law library.  
12 We try to steer the inmates if we could.

13 Q You say your work as a Notary had something  
14 to do with inmates filing writs.

15 Did you come to any conclusions with respect  
16 to the frustrations that the men feel when they come  
17 to Attica after they have been through our court system?

18 A Well, this I feel is one of the major  
19 frustrations. That is, the inmate arriving at the  
20 institution, nine chances out of ten the attorney has  
21 automatically filed notice of appeal. He has great  
22 hopes in this.

23 Then I think through other inmate contacts  
24 he starts doing his own inmate work, inmate legal work  
25 and as a rule he is bringing up one point at a time,

1  
2 either habeas corpus or coram nobis back to the 702  
3 original court. Frequently on coram nobis it's his  
4 home area.

5 The lawyer assigned is a long distance away.  
6 Very little communication between the two causes a  
7 lot of anxiety.

8 Habeas corpus, as a rule, the judge held  
9 court in the institution either weekly or--I think  
10 it's weekly now. Maybe it was two or three times a  
11 month when I was there.

12 But with a backlog of cases, his awaiting  
13 a decision was very lengthy. And this caused a lot  
14 of anxiety.

15 If he could get an answer from the county  
16 court, he could appeal to the Appellate Division. If  
17 he could hear from the Appellate Division, he could  
18 appeal to the Court of Appeals.

19 A very long and time-consuming process and  
20 this added to frustrations.

21 Q You talked about your own anxieties, about  
22 the fact you left your wallet home, about the fact  
23 that money wasn't appropriated, that you had inadequate  
24 staffing.

25 There came a time when Commissioner Oswald  
visited Attica just before the uprising; am I correct?

1 A Yes, sir.

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2 Q And what affect, as you perceived it, did  
3 that visit have?

4 A There was a lot of reference made to the  
5 Commissioner's tape. I did not hear this. So I do  
6 not know what promises were made, et cetera.

7 Through conversations of inmates out in  
8 the yard a day or two later and the consensus of  
9 their conversations, that he did not--promised things  
10 that were almost impossible to deliver.

11 In other words, even they recognized the  
12 fact that before they could go home on weekends, it  
13 would have to go before the Legislature for appropria-  
14 tions, for bus transportation, et cetera.

15 In other words, they felt a lot of promises  
16 would not be fulfilled at that particular point and  
17 some of them not in the future.

18 Now, I personally did not hear the tape.  
19 I don't know what promises were made. This was the  
20 feed-back after the Commissioner's tape was played.

21 Q Well, these inmates you knew had great hopes  
22 for change for quite a while.

23 They had been promised reform; is that correct?

24 A That's correct.

25 Q And you told Mr. Henrix that the worst thing

1 that a correction officer can do to a man 704  
2 under confinement is to promise something and then  
3 not deliver?  
4

5 A I would like to clarify that.

6 Certainly the correction officer or the  
7 sergeant is the man talking to the inmate. Many  
8 times those making the promises are a long ways  
9 away. It is much more difficult for the officer, for  
10 the individual in direct contact with the inmate.

11 In other words, I think you will find many  
12 frustrations taken out on the officer in direct con-  
13 tact with the inmate because they can't get to the  
14 Commissioner.

15 Q Do you think that it was a case here of many  
16 things being promised in the way of reform, programming,  
17 in hope and then very little being delivered from  
18 these promises?

19 A I would not only say that prior to the  
20 disturbance, I am saying it's true today.

21 Q And do you think that the fact that these  
22 promises are not being lived up to is creating security  
23 problems to yourself and putting you, as a correction  
24 officer who works in that institution always out-  
25 numbered, in jeopardy?

A I don't think there is any doubt about it.

2 here today and wanted to make a statement, do I take  
3 it that the burden of your statement would be that  
4 the public has just got to come across with the  
5 funds necessary for the programming and for the  
6 reforms that have been long overdue?

7 A I think the one thing the public has to be  
8 educated on and also the Legislature, that an institu-  
9 tion operating 24 hours a day cannot be cut in staff.  
10 Maybe on an eight-hour day, maybe in a business office  
11 you can cut a stenographer, but when you cut an  
12 officer from an institution that's operating 24 hours,  
13 you are exposing their lives.

14 In other words, we come--the budgets are  
15 cut ten per cent. There isn't any way the Department  
16 of Correction can cut their budget ten per cent with-  
17 out jeopardizing lives and safety, food, clothing or  
18 the necessary items.

19 I criticize the Legislature to the extent  
20 that institutions or any 24-hour operation cannot  
21 stand a ten per cent cut.

22 MR. LIMAN: Mr. Chairman.

23 MR. MCKAY: Sgt. Bottone, I want to  
24 remind you, as I think you are aware, that you have  
25 an opportunity to make your own statement if you

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1 wish, before the conclusion of your

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2 time before us.

3 Now, I think there are some questions  
4 from the members of the Commission and then if  
5 you wish to make a statement we will be very  
6 glad to hear it.

7 Mrs. Wadsworth.

8 EXAMINATION BY MRS. WADSWORTH:

9 Q I think that throughout the hearing I am  
10 seeking threads to find ways of making change.

11 You stated that if the inmates are happy,  
12 then the correctional officers are happy, I believe;  
13 is that right?

14 A I don't think there is any doubt about it.

15 Q That's the way you phrased it, I believe.

16 A Yes.

17 Q Do you feel the correction officers fell  
18 as a group or individually think of means and ways to  
19 improve, alleviate conditions there?

20 Do you think they take this as an assign-  
21 ment, that they take this as an idea and a goal,  
22 thinking of ways of making the situation better in  
23 any way?

24 A During the course of the years I have seen  
25 correction officers improvise, with the aid of inmates,

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1 many recreational equipment.

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2 Many other areas where they have improvised  
3 either with the inmates and the cooperation of the  
4 officers. Yes, I feel the officer is trying to  
5 supplement in any way that he can, either with  
6 material things or otherwise.

7 I think the officers are doing a tremendous  
8 job with what they have to work with.

9 Q In talking with a gentleman who is the head  
10 of the correction officers on the West Coast, he  
11 stated that one of the goals of their union activities  
12 was to make better the conditions of the inmate  
13 population.

14 This was a surprising point to me at the  
15 beginning and I asked him to clarify why.

16 He said the same thing you are saying, if  
17 the inmates are happy, then you are, too.

18 So I wonder if in the union activities here  
19 or is there reality in the union taking this kind  
20 of goal or interest and wondering what kinds of  
21 things they can do to improve the situation.

22 A That's a difficult question. We have  
23 serious problems with our union. It's in trustee-  
24 ship of the International. New York State has many  
25 problems with the union that I would rather not dis-

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1 cuss their participation, et cetera.

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2 Q There is no reality in that at this point?

3 A Well, as far as New York State is concerned.

4 MR. McKAY: Bishop Broderick.

5 EXAMINATION BY BISHOP BRODERICK:

6 Q Sergeant, did you hear Boots Young's testi-  
7 mony this morning?

8 A Unfortunately, I was en route, so I did not.

9 Q One of the things he did mention, he said  
10 that to a question from Mr. Liman, that racism among  
11 the correctional officers, he thought it would be  
12 confined to about three or four. I think four was  
13 the outside figure.

14 Would you share this opinion?

15 Maybe this is a two-pronged question. I  
16 am asking you, A, do you feel there is any racism  
17 among the CO, as two, would you say it would be four?

18 A He would be in a better position than I  
19 as a supervisor to hear it or know it. To the extent  
20 that he probably--let's say he is in a different  
21 position and certainly might be the recipient so I  
22 think he would be in a better position to judge it.

23 Q You wouldn't dispute what he said?

24 A I probably would say lower.

25 Q I don't mean to pit you against him.

1 A No, I would respect his judgment.

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2 BISHOP BRODERICK: Thank you.

3 MR. MCKAY: Mr. Rothschild.

4 EXAMINATION BY MR. ROTHSCHILD:

5 Q Sgt. Bottone, in a lot of the testimony  
6 we have heard thus far, both from inmates and from  
7 correction personnel, it seems that both sides are  
8 victimized in a considerable degree by common problems.

9 You have mentioned at some length and you are  
10 not alone in that, the physical stringency of the  
11 institution.

12 There has been a good deal of mention, more  
13 by inmates than officers, but certainly also by the  
14 officers, about the clumsiness of some of the operat-  
15 ing procedures, some of the built-in problems that  
16 perhaps are not necessary to the institution and  
17 aggregate a relationship which at best is a difficult  
18 one.

19 I guess institutions change slowly. But  
20 hopefully there has been enough focus on this to be  
21 hopeful about some of those things not being impossible  
22 to change.

23 The other thing we have heard a lot about  
24 are attitudes. There has been a lot of talk about  
25 the change in the population, the change in the mores,

1 the change in the points of view of inmates 710  
2 who used to mind their business and do their time and  
3 now have quite a different perspective.  
4

5 You said and Mrs Wadsworth repeated the state  
6 of mind of the inmates relates pretty well to the  
7 state of mind of the correction officers.

8 What has that change in attitude represented  
9 in a correction officer's perspective?

10 You talked about being assaulted in the  
11 last few days. I recognize that since that's before  
12 the court you may not want to go into that in detail.  
13 It's symptomatic of what I'm trying to ask, though.

14 The attitudes are related to each other  
15 of inmates and officers?

16 A Right. I think there is a small percentage  
17 --let's bear in mind, we get our people off the  
18 streets.

19 There is going to be a certain percentage  
20 that are trained to break or bust the system inside  
21 as well as outside.

22 I think this is a very small percentage, but  
23 it is there. I don't think it's the rules and regula-  
24 tions they're fighting. They're just trying to bring  
25 down the establishment, I think it's that simple.

Q What does that do to the daily job of a

1 correction officer is really what I'm asking. 711

2 If someone assaults you, what other mani-  
3 festations are in the daily problems of a correction  
4 officer, does that bring out?

5 A Well, of course, this is a very small  
6 community. Word travels. It's demoralizing. I  
7 don't think there is any officer there that doesn't  
8 feel that the same thing could happen to him. I  
9 think he is aware of it.

10 The inmates know it, we know it. The  
11 situation is there.

12 Q Is there a lot of invective traded? This  
13 is the kind of thing we hear, but we don't really  
14 know.

15 A I don't think there is any doubt about it.  
16 There is very close community. I would like to  
17 add this: There has been three assaults recently.  
18 We have heard all these brutality charges for six  
19 months.

20 I haven't seen any evidence yet from the  
21 courts where one officer has been called into court  
22 to testify on his own behalf as far as facing the  
23 brutality charges. I can't believe the inmates do  
24 not know who they are.

25 In other words, they have an opportunity

1 to subpoena these people in court and 712  
2 they haven't been and this is six months later,  
3 nor has there been any court case to prove that  
4 there has been any brutality.

5 Q In summation, I am trying to be clear about  
6 it, would you say that, and I am--would you say that  
7 basically the relationship between inmate and officer  
8 in the institution today has--is a more abrasive,  
9 less congenial one than it was a few years ago?

10 I don't mean before or after the incident.

11 A There is no doubt about that.

12 MR. MCKAY: Mr. Wilbanks.

13 EXAMINATION BY MR. WILBANKS:

14 Q You indicated there was a rise in political  
15 activity. I think you indicated this.

16 A Yes.

17 Q Could you give us--you didn't quite express  
18 or give a definition of what you meant by this.

19 By taking an area where inmates congregate,  
20 such as in the yard, could you give us an example of  
21 what type of activity would alarm you?

22 For example, before the incident of September  
23 9th.

24 A Well, of course, this is a matter of opinion,  
25 too.

1 Q What did you feel intimidates you, 713  
2 is a threat to you?

3 A When they saw 20 or 40 inmates practicing  
4 karate, I was very concerned, I don't mind telling  
5 you. I am talking about organized activity and  
6 this is what I am telling you.

7 Q What about speech, what about other than  
8 karate?

9 A We're talking personally now. I was  
10 supervising from the Times Square tunnel, the whole  
11 four yards, so therefore, as far as voices, I did not  
12 hear what they were talking about. Others did, et  
13 cetera. I myself did not hear.

14 Mine was mostly visual.

15 MR. MCKAY: Sgt. Bottone, a number of  
16 inmates have reported to us and some of them  
17 have testified here that one of their great  
18 concerns is the attack by other inmates upon  
19 themselves and particularly the homosexual  
20 attack.

21 Do you consider that a serious problem  
22 in the institution?

23 THE WITNESS: I consider an attack,  
24 an assault on anyone serious whether it is an  
25 employee, another inmate or what.

1  
2 main purpose is to protect ~~the inmates~~. I would  
3 say a year prior to the disturbance it was very  
4 difficult to protect other inmates, inmates  
5 from other inmates.

6 EXAMINATION BY MR. MCKAY:

7 Q What special kinds of precautions can you  
8 take to protect them, one against the other?

9 A Well, if there is no contact, it is extremely  
10 difficult. If there is contact, this is a disciplinary  
11 report.

12 We were in a position, prior to some court  
13 procedures where we would separate the two inmates.  
14 In other words, Attica is built so that we have four  
15 separate blocks. We like to think we have four  
16 separate institutions.

17 So they would take every precaution, if  
18 two inmates had an altercation, just to separate and  
19 try to keep them separated.

20 MR. MCKAY: Thank you.

21 MR. LIMAN: Are you finished with your  
22 questions, Mr. Chairman?

23 MR. MCKAY: Yes. I was going to ask  
24 the Sergeant if he had a statement to make.

25 MR. LIMAN: I wanted to ask one question

2 BY MR. LIMAN:

3 Q If you saw a group of 30 or 40 inmates  
4 standing around the yard in a circle talking today,  
5 would you become apprehensive, if you couldn't hear  
6 what they were saying?

7 A I would have to have more information than  
8 that, other than just seeing a group.

9 Q But, Sgt. Bottone, from where you would be  
10 stationed looking out from a window that may be the  
11 only information that you have.

12 You would see a group of black inmates  
13 standing around the yard and not even be able to make  
14 out in some cases the faces.

15 Would that mere aggregation of individuals  
16 in the yard create apprehension on your part?

17 A No, not at this time. Right now near the  
18 basketball court there may be 60 talking, maybe not  
19 even watching the basketball game, but that's the  
20 situation today. This in itself would not be harmful.

21 In other words, unless we had other informa-  
22 tion that there was some type of organization. But  
23 what you described to me would not be alarming.

24 MR. McKAY: Sgt. Bottone, do you wish  
25 to make a statement?

1 THE WITNESS: No, sir. 716

2 The only thing I can say at this point,  
3 I think all of us at Attica are very disappointed  
4 in the Legislature. We felt possibly as a result  
5 of this disturbance that we would see some  
6 evidence prior to this point, some progress  
7 and obviously we have seen very little or none.

8 The only thing I can do is express our  
9 extreme disappointment with what's been done up  
10 to this point.

11 MR. McKAY: Thank you very much for  
12 your statement. We are appreciative of your  
13 cooperation.

14 THE WITNESS: I would like to add one  
15 thing: Your staff has come in and tried to do a  
16 very commendable job and certainly anyone that's  
17 trying to help us, we in correction much against  
18 public opinion, we certainly enjoy people coming  
19 in, we want to be investigated. We welcome it.  
20 If you would like to leave Mr. Rossbacher or the  
21 rest of his monitors, we would be very happy to  
22 have him.

23 MR. McKAY: I admire the staff as much as  
24 you do and we thank you for your comments.

25 (The witness was excused.)

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