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NEW YORK STATE SPECIAL COMMISSION ON ATTICA

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17th In the Matter of the :
Public Hearings :
at :
NEW YORK, NEW YORK :

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Chanel 13/WNDT-TV
433 West 53rd Street
New York, New York

April 17, 1972
10:30 a.m.

Before:

ROBERT B. McKAY, Chairman,
MOST REV. EDWIN BRODERICK,
ROBERT L. CARTER,
MRS. AMALIA GUERRERO,
AMOS HENIX,
BURKE MARSHALL,
WALTER N. ROTHSCHILD, JR.,
MRS. DOROTHY WADSWORTH,
WILLIAM WILBANKS,

Commission Members

1 PRESENT:

2

2 ARTHUR L. LIMAN,
General Counsel

3 JUDGE CHARLES WILLIS

4 MILTON WILLIAMS

5 ROBERT POTTS, JR.

6 HENRY ROSSBACHER

7 JOHN E. CARTER, JR.

8 STEVEN ROSENFELD

9 DAVID ADDISON

10 PAUL ROLDAN

11 ANDREW LIDDLE

LEONARD POLAKIEWICZ

12 ooo

MR. McKAY: Today marks the fourth day

13 of the hearings for the public--as a report to
14 the public of the New York State Special Commis-
15 sion on Attica. Three days of hearings have been
16 held prior to this in Rochester, New York, through
17 the courtesy of Chanel 21, the national education
18 television station in that city.

19 This Commission was created for the pur-
20 pose of investigating and reporting to our fellow
21 citizens the facts and circumstances leading up
22 to, during and after the events at the Attica Cor-
23 rection Facility in September, 1971.

24 I am Robert McKay, Dean of the New York
25 University Law School, and I am Chairman of the

1 Commission. I feel, for the mo-

3

2 ment, a little bit naked with my right and left
3 bowers both unoccupied, but we have lost these
4 seats only temporarily. I will identify those
5 who will occupy them.

6 Let me introduce those of the Commis-
7 sion members who are here, as well as our absent
8 colleagues, beginning with my right. At the ex-
9 treme right of the dais is Mr. Burke Marshall,
10 Deputy Dean of Yale Law School, and formerly
11 Assistant Attorney General in charge of Civil
12 Rights under the late Robert F. Kennedy. Next
13 to him is Mrs. Dorothy Wadsworth, an active par-
14 ticipant in and president of Neighborhood Health
15 Centers of Monroe County, which is the home of
16 Rochester.

17 The Most Reverend Edwin B. Broderick,
18 Roman Catholic Bishop of Albany.

19 Our absent colleague on my right, Mr.
20 Amos Henix, a former inmate and currently Execu-
21 tive Director of Reality House, a drug rehabili-
22 tation program in Manhattan.

23 To my left will be Mrs. Amalia Guerrero,
24 president of the Society of Friends of Puerto
25 Rico.

2 formerly General Counsel of the National Asso-
3 ciation for the Advancement of Colored People
4 and, now, a private practitioner in Manhattan.

5 Mr. Walter M. Rothschild, Chairman of
6 the Board of Urban Coalition and a former presi-
7 dent of Abraham & Strauss.

8 Mr. William Wilbanks, a doctoral can-
9 didate at the School of Criminal Justice at the
10 State University of New York.

11 The members of the Commission were asked
12 to serve in this capacity by the five principal
13 judicial officers of the State of New York, in-
14 cluding Chief Justice Stanley Fuld, of the Court
15 of Appeals and the presiding justices of the four
16 Appellate Divisions.

17 As we members of the Commission and as
18 you citizens of the public listen to the testi-
19 mony at these hearings, we, as citizens, must
20 judge whether these goals are a reality at Attica
21 and whether we can obtain some real reform bene-
22 fit to our prison system. No less is at stake
23 than the well being of our society. We must de-
24 cide whether our commitments is to vengence or
25 to rehabilitation in the penal system. We must

1 determine whether all that we

5

2 can do is to punish for acts which cannot be un-
3 done or whether our institutions can also serve
4 to prevent repetitions of those acts.

5 The Commission has taken the unprece-
6 dented step, we believe, of making a public pre-
7 sentation in television studios in Rochester, at
8 Chanel 21, and here in New York at Chanel 13, be-
9 cause it is our belief that television can pro-
10 vide the widest possible public access to the
11 testimony to be given and the data the Commission
12 staff has gathered. We recognized, in taking
13 this step, that in this age of communications
14 there is no longer any possibility in presenting
15 material to hearings as though only a few members
16 of the public were watching. There is an addi-
17 tional purpose to be served by these public hear-
18 ings at this time, in advance of the time that
19 the Commission has reached final decisions about
20 the content of the written report to be filed
21 with the public in the early summer. We, accord-
22 ingly, welcome additional statements from indi-
23 viduals or groups about the events at Attica that
24 will supplement or enlarge our understanding of
25 those tragic days. If there are those who wish

1 to be heard in person, the Com- 6
2 mission requests that they advise us of that
3 fact so that we can arrange further hearings be-
4 fore the Commission after the conclusion of the
5 hearings now scheduled for the next two weeks.

6 The hearings at Rochester, Wednesday,
7 Thursday, and Friday of last week, were designed
8 to elicit background information about the con-
9 ditions at Attica in general and about prisons
10 in New York State in general. We heard inmates,
11 former inmates, correction officers, civilian em-
12 ployees. We learned from them--who were selected
13 by the staff as representative of the various
14 attitudes and views of persons who were involved
15 in the Attica Facility, we learned from them the
16 difficulty that each of them has in confronting
17 the task set for him.

18 Our last witness on Friday afternoon
19 made, I think, the point most graphically. He
20 was Mr. Germain, a teacher, a civilian teacher
21 in the institutions concerned with trying to give
22 educational advantages to those who have not had
23 them in the inmate population.

24 He reported frustrations of inmates,
25 of correction officers, of civilian employees and

1 made the point, which seems to me 7
2 entirely valid, that they are all locked in to-
3 gether, and so that what affects one of them,
4 affects all of them, and becomes important, there-
5 fore, to consider prospectives of each of those
6 characters in this unhappy drama.

7 I will not regale you further with the
8 statements at this particular time because this
9 morning we have further testimony from members
10 of our staff that will give you the summary con-
11 clusions, not based upon individual witnesses, but
12 based upon a large cross section of the inmates,
13 the officers and the civilian population as to the
14 attitudes, the problems, and the difficulties.

15 For that presentation I offer Arthur
16 Liman, our General Counsel.

17 MR. LIMAN: Thank you, Mr. Chairman.

18 Last week we presented the testimony
19 of six men who are or were inmates at Attica,
20 four correction officers and three civilian em-
21 ployees. These were, of course, only a few of the
22 thousands of inmates, correction officers and em-
23 ployees who were interviewed in private.

24 Now, our interviews were conducted--our
25 private interviews were conducted under conditions

1 of strict confidentiality and 8
2 assurances of anonymity. This was done in order
3 to encourage each person to be as frank as pos-
4 sible with members of the staff.

5 We have now analyzed the results of our
6 interviews, as well as a multitude of documents
7 that we obtained pertinent to these facts.

8 I should say that on my extreme right
9 is the Honorable Charles Willis, my first assist-
10 ant. On my left is Judith L. Born, a third year
11 student at NYU Law School, who has been working
12 on what started--or was supposed to be a parttime
13 basis for us, but has been a fulltime basis 20
14 hours a day. I don't know when she last attended
15 a class, but we have an understanding that if Dean
16 McKay would not report her, she will not report
17 him.

18 On my right is Gregory Thomas, who worked
19 with the group that was putting together the mate-
20 rial that you will be hearing today.

21 Now, our findings will be presented by
22 Mr. David Addison, who is in charge of the task
23 force that dealt with grievances and underlying
24 conditions at Attica and Mr. Henry Rossbacher,
25 who supervised the interviews of many of the cor-

1 rection officers.

9

2 Mr. Rossbacher, you will start with the
3 presentation of some of the statistical material
4 relating to the way in which Attica is set up ad-
5 ministratively and the correction officers assigned
6 thereto.

7 MR. ROSSBACHER: As we presented earlier
8 at the start of the hearings, I would like to re-
9 fresh your memory.

10 On the day of the riot there were 398
11 correctional personnel assigned to Attica. Of
12 these, 18 were supervisors, 380 were staff offi-
13 cers--in other words, correction officers. Of
14 these, 397 were white and there was 1 Puerto Rican.

15 They ranged in age from over 60 to 22.
16 Almost all of them came from an upstate rural back-
17 ground. Approximately 13% came from an urban back-
18 ground, either New York City, Buffalo or Rochester.

19 We found the officers to have the follow-
20 ing characteristics: they were all high school
21 graduates. Some of them had a college education
22 or part of it, a year or two would probably be
23 average.

24 A large number of them had served in the
25 military, and a fair number had seen combat.

1 They are all almost

10

2 married. Almost all have children and a large
3 number of them are related to past or present
4 officers at Attica.

5 One finds that a large number grew up
6 in Attica or Batavia or the towns surrounding and
7 they stayed there, they spent their entire lives
8 there.

9 A few now are taking courses at local
10 community colleges in a program designed to pro-
11 duce a certificate in correctional sciences. It
12 should be pointed out that these courses are en-
13 tirely voluntary. It is not part of a state train-
14 ing program.

15 In talking to them, we found that their
16 major motivation in taking a job at the Department
17 of Corrections was not to do correctional work, by
18 and large, but because it was a good job; it was a
19 secure job; it has good pay for a rural area; it
20 has retirement benefits and at least in the past,
21 up until about the middle 50s, it paid a good deal
22 more than civilian employment in the area, than in
23 farming or other state Civil Service or law en-
24 forcement jobs.

25 For a long time it led the State Police

1 by a large margin in benefits

11

2 and income pay. This is no longer true and it
3 hasn't been for quite some time.

4 The correction officers feel very
5 strongly and bitterly about this. They feel the
6 department has been forgotten and they have been
7 forgotten. Other groups have received attention
8 and have been able to press their demands on the
9 people. The correction officers have been left
10 behind.

11 You haven't had any job actions by cor-
12 rectional officers, any lock outs, any lock ins,
13 and, as a result, when the state began to find it
14 difficult to recruit correctional officers in the
15 middle 50s, they took the step of dropping the
16 standards. They dropped the age requirement.
17 They dropped the requirement of two years of col-
18 lege education. They dropped the requirement of
19 supervisory experience.

20 You ended up, as a result, with men who,
21 by and large, were closer to 21 than 25. A num-
22 ber of officers, especially the older officers
23 are extremely unhappy about this. In fact, what
24 is happening now is that a number of officers are
25 finding it necessary to supplement their pay with

1 parttime work. A fair number

12

2 are contractors working in skilled trades, such
3 as electricians, plumbers, carpenters and there
4 are a few farmers.

5 The reason they became a correction of-
6 ficer was because it was a job that did not require
7 the hard physical manual labor that is character-
8 istic of a rural area. It also doesn't have a
9 seasonal income and it does have retirement bene-
10 fits.

11 The training situation follows the same
12 familiar pattern. Before the war there was a guard
13 school established at Wallkill. Almost all of the
14 people who had been in the department 30 years or
15 more, which would take into account most of your
16 wardens, your deputy wardens and your captains,
17 the really senior people attended that school.
18 They speak very highly of it. It gave them rela-
19 tively sophisticated courses in penal law, super-
20 vision classes, leadership classes and civil de-
21 fenses.

22 However, it was discontinued just be-
23 for World War II. During the war the prisons
24 were, in essence, run as they could be run.
25 Large numbers of temporary employees were hired,

1 almost anybody who could--the

13

2 examination was discontinued and these men re-
3 ceived no training. They were put in and they
4 survived the war and that's exactly the way they
5 talk about it.

6 This situation basically continued un-
7 til the late 50s, although they reinstited the
8 examinations to become correction officers after-
9 wards, but there was no training. It was not re-
10 sumed. Officers talk about being given a stick,
11 a badge, a uniform and on the day they reported,
12 they were handed 40 men and said, "Go to work."
13 That was their entire training.

14 However, the men who joined after World
15 War II, in the early 50s, don't feel they lack
16 so much. They say the staffsman were overwhelm-
17 ingly experienced officers; that they learned fast
18 because they had to learn fast; that there were
19 always enough older experienced men around to ask
20 questions of who would supervise them closely.
21 This fact, as I will talk about later, is no longer
22 true. The officers now are much younger and, be-
23 cause of certain policies that have been put into
24 effect, you find that the older officers are not
25 in population.

2 department began to train again. It began to
3 give a two or three week training course. Most
4 of the officers who experienced it said it was
5 more or less useless. There is now guard school.
6 It does not cover the penal and correctional laws.
7 It has some training in self-defense, some training
8 in community relations and a lot of training in
9 paper work.

10 It is apparent from the interviews with
11 the younger officers of experience that it didn't
12 make much of an impression on them. They do carry
13 one thing with them from the school, though, and
14 that is the advice that they are to ignore the
15 advice of their sergeants, of their lieutenants
16 and of their older officers.

17 They have been told that these men are
18 old fashioned; that their ways of doing things
19 are not the ways that the department would do
20 them in the future, and that, in essence, they
21 are part of a new breed who is going to take over
22 the department shortly and the older people are
23 going to be ignored.

24 It is also obvious that the school is
25 still in an experimental stage. It does not have

1 a current facility. The cur-
2 rriculum will fluctuate weekly.

15

3 Some officers said they were taught
4 mainly security. Others said they were taught
5 mainly programs.

6 So, it is rather unclear as to what is
7 happening right now.

8 I point out that one of the things that
9 the officers talk about most is that they actively
10 desire training. They are bitter, in fact, about
11 the department's failure to provide training;
12 failure to even pay for courses which they are will-
13 ing to pay for on their own time.

14 They also would point this out. They
15 state they were trained for security. The purpose
16 of the department, to them, was to make sure that
17 the inmates lodged there did not escape and they
18 say they did that very well. They were not trained
19 to rehabilitate people, by and large, and they
20 are bitter, confused and angry that they are now
21 being judged by standards of rehabilitation be-
22 cause they have been given neither the tools nor
23 the training to implement it.

24 The officers' view is interesting. The
25 ~~older officers, by and large, feel that the drop~~

1 in qualifications, the drop--

16

2 the relative drop in pay relative to the popula-
3 tion has produced a less able and less interested
4 group of men. Some supervisors support that feel-
5 ing and others say it really doesn't make any dif-
6 ference, it is just about as good and in fact some-
7 times better.

8 To understand what happened, I think, on
9 September 9, you have to understand, at least in
10 some ways, the structure of the Department of Cor-
11 rections and the structure of the Attica Correct-
12 ional Facility that the officers experienced.

13 In Albany there was a commissioner with
14 his four deputies and his program heads. They
15 established overall policy and the warden re-
16 ported directly to them, or to the first deputy.
17 At the institution you had a straight line organi-
18 zation right down, one to one to one to one. You
19 had the warden, now known as the superintendent,
20 the deputy superintendent, who used to be called
21 the principal keeper under New York State law,
22 his assistant and then the captain and the uni-
23 formed force.

24 At Attica you have one captain, five
25 lieutenants and ten sergeants and 380 correction

1 officers. In other words, the 17
2 supervisory staff totaled exactly 19 to 380
3 supervisory men and in reality, 2,300 inmates.

4 In addition, you must understand that
5 these supervisors ran five shifts, 24 hours a
6 day, 7 days a week, 365 days a year. When you
7 start counting in days off, illness, retirement,
8 it was rare to have more than 10 supervisors in
9 the institution at one time, and being in the
10 institution does not mean being in contact with
11 inmates. It can well mean sitting up front in
12 your office doing paper work responding to spe-
13 cific problems and not being in the institution.

14 You have a situation, then, where 19 men
15 have all this command authority. To run the pri-
16 son, it became necessary to establish informal
17 jobs with informal authority. We had hall cap-
18 tains who would supervise all the officers who
19 would run a particular block or a particular
20 shop or a particular program, but these men were
21 given no increases in pay, no increases in bene-
22 fits and no actual responsibility.

23 There are no ranks lower than sergeant
24 in the system and they did not have the authority
25 to actually order a correction officer to do any-

1 thing. Their authority came

18

2 from the willingness of their supervisors to back
3 them up on individual decisions. If the super-
4 visor wasn't willing, they were out front having
5 made the decision that they couldn't enforce.

6 The supervisors talk and talk quite
7 angrily about the staffing problem. With 19 of
8 them they say they were run ragged. All they
9 could do was respond on a day to day basis to
10 individual crises within the institution. They
11 had no opportunity to supervise their men to
12 evaluate them, to do much more than to respond
13 and get by every day. Sergeant Paten pointed out
14 when he testified to you that the 19 figure isn't
15 really accurate. One lieutenant's spot was open
16 in April. Two were out due to serious illnesses
17 or at least on sick leave. One of the interesting
18 statistics is that although you have a nominal
19 strength of 398, in fact you never have that num-
20 ber. The staff refuses to pay accumulated sick
21 pay benefits. What this means is that when a
22 man retires, he takes all his accumulated sick
23 leave, which if he has been there 35 years can
24 run for a long period, 6 or 8 months. With his
25 spot filled, he cannot be replaced. It cannot be

1 filled, but he is useless to

19

2 the institution.

3 MR. LIMAN: Mr. Rossbacher, you said he
4 takes his accumulated sick leave before he retires.

5 MR. ROSSBACHER: Before he retires, that
6 is correct.

7 MR. LIMAN: So, for that period of 6
8 months or 9 months that position would be vacant?

9 MR. ROSSBACHER: That is correct.

10 In fact, this is absolutely a common
11 occurrence.

12 In addition, other things have changed
13 in the institution which have changed supervisor's
14 job. In what was known as the good old days,
15 supervisors had little to do other than super-
16 vise their men and their inmates. Now there is
17 a vast amount of paper work. A simple disci-
18 plinary procedure will generate many many forms
19 which they must act on, fill out, correct, look
20 at.

21 In the old days this didn't happen, so
22 you now have more supervisors in there officers
23 worrying about that, not in the institution
24 worrying about his effective range.

25 Also, there are new procedures them-

1 selves which require their

20

2 presence. For example, the adjustment committee
3 requires the actual presence of a supervisor at
4 all its meetings, and it meets, in essence, daily,
5 which means that one of those supervisors will be
6 tied up. The net result will be that the presence
7 of the supervisors in the institution was lessened.
8 As the positions became more important, they were
9 less present and the level of supervision in the
10 entire institution declined.

11 Another, I think, important topic that
12 you should be aware of is the method of being pro-
13 moted in the Correction Department. This is the
14 source of controversy for a large number of offi-
15 cers. To become a sergeant or a lieutenant you
16 take a written Civil Service examination and you
17 go on a list, which is numbered by how well you
18 did and there are also some factors relating to
19 veterans preferences and this kind of thing.

20 You are allowed to take one of the first
21 three openings that are offered to you, no matter
22 where they may occur in the state. For example,
23 if you are an Attica man and you are the first man
24 on the list and the first opening is in Greenhaven,
25 you can decline that, but the third refusal drops

1 you automatically from the list 21
2 and you have to wait for the next examination, and
3 the exams are not given at regular intervals.

4 What this means is that to become a ser-
5 geant or lieutenant you must uniformly move, with
6 the exception of some downstate institutions which
7 don't seem to be terribly populated. According to
8 the supervisors, the department does not pay ade-
9 quate moving expenses, adequate compensation.

10 One present sergeant took a lieutenant's position
11 and left after three weeks and reverted back to
12 sergeant because he figured it would take him 3
13 years to recoup his pay.

14 A number of the officers or supervisors
15 say that this system results in a large number of
16 competent men not taking the exam, becoming dis-
17 couraged and frustrated and not attempting to rise
18 within the department.

19 Something should be made clear by the
20 department. The department is not like the ser-
21 vice. You are not moved every two or three years.
22 There is not large amounts of housing available
23 to you. There is not a well-oiled system to move
24 you around the state and, in fact, there is no
25 ~~system to give you experience at other institutions~~ institutions

2 of how you were promoted.

3 As a result, officers will stay in an
4 institution for 12, 13, 14 years and then suddenly
5 be promoted and then asked to move.

6 Before the riot at Attica, before the
7 vast increase in supervisory positions that has
8 been put in, it could take you three or four or
9 five years to return to your home institution
10 because you had to wait for other supervisors to
11 be promoted or die, and within a whole range of
12 19, it didn't happen very often.

13 Supervisors feel, by and large, that
14 there is no significant benefit to having served
15 at another institution. There is some disagree-
16 ment on it. Most of the officers on balance seem
17 to feel that the requirement of moving in the sys-
18 tem discourages many more good men than it promotes.

19 Another factor about the way in which
20 the Department of Corrections is run should be men-
21 tioned, too, because it has an important effect
22 within the institution. To become a correction
23 officer you again take a Civil Service exam; you
24 again become on a list and you are pointed to the
25 first available vacancy. Again, this tends to be

2 What you do is report for work on the
3 first day and you file your transfer papers and
4 you wait to go back to Clinton or Attica or Great
5 Meadow, the upstate institutions.

6 What this means is that a large pro-
7 portion of the younger officers in any institution
8 are merely waiting to leave. The supervisors say
9 that this is not the kind of attitude that produces
10 a dedicated correction officer, a man dedicated to
11 resolving the problems in that institution. He
12 knows he is going--he hopes he is going quickly.
13 What he's trying to do is get through it so he can
14 go home.

15 Traditionally, also, their families are
16 300, 400, 500 miles away, so these men are getting
17 in cars on their days off and driving 3 or 400
18 miles and then driving back.

19 As I will make clear later, we have a
20 bid system, which means, in essence, in fact, that
21 the younger officers are working with the inmates
22 and the older officers are out of contact. This
23 can have a devastating effect on the institution
24 itself.

25 In addition to changes that have affected

1 the supervisors' control over

24

2 the institution. Among these are the ascession of
3 the union in 1970 and their contracts, the bid sys-
4 tem, which that contract negotiated, a change in
5 work days in the institution from working five days
6 to six days in a row and, then, on a rotating day
7 off schedule and then block assignments.

8 I would like to go through them one by
9 one.

10 For the first time, this gave the cor-
11 rection officers a say in what had been, up to that
12 time, a total military system of command. An offi-
13 cer had no say about when he worked, how he worked,
14 about what shift he would work. It was entirely
15 up to the administration. If they wanted to put
16 him on a wall for 10 years or a night shift for 10
17 years, that's where he stayed. And the officers,
18 if they didn't get along with the other supervisor,
19 they stayed in jobs they didn't like for a long
20 long time. The result of the union contract was
21 the bid system.

22 The bid system was the straight and total
23 seniority system. It works this way:

24 The job in the institution comes open--
25 in other words, a correction officer leaves it be-

1 cause he transfers out of it or

25

2 because he retires is put up for bid. Any officer
3 in the institution may put his name in to get the
4 job and the man with the most number of years and
5 days gets the job. It's that simple.

6 The union contract says that a job could
7 be denied an officer for certain circumstances,
8 mainly if he is unfit to hold it. In fact, the
9 Court has had at least four grievance procedures
10 against certain officers getting certain jobs and
11 lost every one of them. They don't fight them any
12 more. The result of the bid system is just extra-
13 ordinary in the institution.

14 First, a large number of men, judged their
15 supervisors be extraordinarily competent in the jobs
16 and often they were the most difficult jobs, such
17 as you heard Jack Goewey, the correction officer who
18 testified, I believe, on Thursday, talked about
19 HBZ leaving the box, and he did it on the bid sys-
20 tem. Our supervisors tell us that Mr. Goewey is
21 one of the best men to ever run that shift on the
22 bid system. There is no way that the bid super-
23 visors can force anybody to hold any job they don't
24 want. So, you have competent men transferring out
25 and some of the supervisors and officers have told

1 us, in confidence, "Your men

26

2 are incompetent men who are really not fit to work
3 with inmates transferring into jobs for which they
4 have absolutely no qualifications."

5 This may sound a little strange, but one
6 thing you must realize is that there is an incredible
7 multiplicity of jobs within a correctional facility.
8 You have men who do nothing but hold an AR15 on a
9 wall 8 hours a day and that's their entire work
10 experience. There are men who do nothing but turn
11 keys and locks. You also have men, like Don Head,
12 who work intimately and closely every day of their
13 working lives with inmates. The problem is that
14 seniority, as a criterion for any one job, is de-
15 ceptive and in fact irrational. At least that's
16 what the officers say.

17 The other thing that the bid system does,
18 and in fact facilitated, was the plight of the
19 older officers. As the tensions in the institu-
20 tions grew to the night shifts, to the wall jobs,
21 to the jobs which would take them out of contact
22 with the inmates, the supervisors maintain that
23 these older, maturing men were needed in these
24 jobs and just when they are needed the most, when
25 tensions rose, they were gone. They, thus, were

1 left with younger more inex-

27

2 perenced officers, a number of whom were waiting
3 to leave.

4 In addition, there is, ironically enough,
5 a differential in pay for the night shift. They
6 make \$300 more. This is significant enough to know
7 that a number of men work that shift just for that
8 reason, yet that is a job that takes you out of
9 contact with the inmates and, in fact, is in fact
10 an easier job.

11 The two other changes--there are two
12 other changes that came together to produce an in-
13 consistency. Mr. Anderson will tell you that one
14 of the main complaints is that rules are not en-
15 forced consistently; that inmates don't see the
16 same officers every day; that it's very difficult
17 to work for and be run an officer they had never
18 seen before, yet approximately 2 or 3 years ago
19 the officers voted in an election, which has been
20 challenged by some of the older officers as having
21 been conducted in a manner that they didn't approve
22 of, which is certainly a cause of controversy and
23 bitterness among the officers, was a rotating day
24 on-day off schedule. What this meant was that in-
25 stead of working the same day on and the same day

1 off and having the same release 28
2 officer, they would work 6 days on and 1 day off
3 and often they would not work the same jobs. This
4 was combined with a system of selection of assign-
5 ment of correction officers to jobs. Before an
6 officer, for a long time, would work the same com-
7 pany, he would see every day of his working life
8 the same inmates. Now he is assigned to the block
9 and the hall captain assigns him to companies. The
10 officers tell us that they often do not get the
11 same company, that there is no continuity and this
12 seems to bolster the inmate claim of inconsistency.

13 The officers are very unhappy about this
14 because they maintain it is much easier to work
15 with, to help to befriend, to deal with inmates
16 that they can evaluate. Whether the days off
17 change or the other assignment block produced this,
18 the end result is the same. These changes have
19 served to increase the distance between the offi-
20 cer and the inmate and to lessen the officers' in-
21 centive and his ability to help them to know them
22 and to get his job done.

23 Thank you.

24 MR. LIMAN: Now, what you have just heard
25 is a presentation of the attitudes as expressed to

1 us by the officers.

29

2 David Addison will now tell us about the
3 attitude of inmates towards officers and the pro-
4 blems that they have seen in these relationships.

5 David.

6 MR. ADDISON: During the last four months
7 we have interviewed over 1,600 people who were in-
8 carcerated in Attica on September 9, 1971. Our
9 interviews confirmed the testimony we heard from
10 witnesses last week. With regard to officer-in-
11 mate relationships, most inmates feel that correc-
12 tion officers are hostile to them. Comments on
13 these relationships cover a range.

14 One inmate said, "Yes, there is overall
15 harassment and many of the officers are selective.
16 The majority of the officers will pick a guy whose
17 attitude they don't like and harass him, shake down
18 his cell during lunch hour or take the 75 watt bulb
19 that he substituted for the standard 60 watt. Most
20 of the time things like getting a 75 watt bulb would
21 be overlooked. With droppers, the same thing.
22 Hacks will search cells of those they don't like
23 looking for droppers, et cetera. They give legi-
24 timate keeplocks by enforcing petty rules on some,
25 but not on others."

1
2 you have just quoted from a statement which is re-
3 presentative of a number of statements made to us
4 by us?

5 MR. ADDISON: That's correct.

6 On the other hand, the feelings of a small
7 minority of inmates, mostly older and often white,
8 are reflected in this inmate's statement.

9 Inmate harassment is exaggerated all out
10 of proportion and insolence by inmates is the chief
11 cause of what there is. But the sense of the in-
12 mate population is that they are not treated as men
13 and that there is harassment of particular inmates
14 who are politically aware, who assert themselves in
15 any way, particularly if they are black or Puerto
16 Rican, who are white and associate with black in-
17 mates.

18 This harassment takes the form of selective
19 enforcement of rules, destructive cell searching,
20 nagging until the inmate reacts in a way that can
21 be written up and psychological brutality.

22 The majority of inmates complained that
23 officers from rural areas have no understanding of
24 their life style. For example, officers take greet-
25 ings such as "right on" and the clenched fist salute

1 as indicative of violent in-

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2 tentions. Inmates explain them as simply signs of
3 solidarity, understanding and brotherhood.

4 Officers indicate that they are reacting
5 to a population of violent men, 62% of whom have
6 been convicted of violent crime and through the
7 increasing frequency of expressions of solidarity
8 and inmate militancy. The inmates feel that dis-
9 trust and hostility are inherent in a situation
10 where men are subjected to the control of other
11 men and where almost all aspects of their exist-
12 ence are controlled by a system that is historically
13 unjust and insensitive, symbolized by officers with
14 sticks.

15 MR. ROSSBACHER: The officers, on the other
16 hand, state as their major grievance what they de-
17 scribe as a total breakdown in the disciplinary sys-
18 tem. The officers describe deterioration that be-
19 gan 3 or 4 years ago. A number of them attribute
20 this to the Court decisions, just as the Sostre de-
21 cision, which they say cast a cautious position on
22 the drop levels of the Department of Correction.

23 They described this attitude coming down
24 the line, through the separate officers, through
25 the supervisors and finally to them. They describe

1 it growing as it came. Sud-

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2 denly, at least to the officers, Courts were inter-
3 fering in problems and in prisons which they had
4 never done before and they feel that the Courts'
5 understanding of their problems and their prisons
6 is minimum. They also maintain and state almost
7 unanimously that the Courts that are making the
8 decisions don't have any responsibility for them
9 and don't to live in them.

10 In addition, at the same time they de-
11 scribe a large increase in the number of suits
12 being brought against them by inmates and they
13 also describe a large increase in the amount of
14 decisions made to these suits by the Courts. The
15 point here is that regardless of the merits of the
16 decision, they feel that the Court intervention
17 had a bad effect on their institutions. The prac-
18 tical results they say are varied. A number of
19 officers describe supervisors telling them, "We
20 can't back you up any more. You make a decision
21 and you do something, it's on yourself. I didn't
22 tell you to do it. I won't stand behind you. You
23 are on your own out there."

24 The officers feel that their authority
25 is just undermined; that all the decisions now have

1 to be passed up to supervisors;

33

2 that the officers' powers deteriorated; they de-
3 scribe the probabilities of an inmate coming to
4 them and asking them whether they can or can't do
5 something and they claim they are unable to make
6 or unwilling to make a decision.

7 So, it all goes up to sergeants and the
8 lieutenants and often goes farther.

9 Their attitude is that the state has sent
10 them in there to enforce rules; that they don't
11 understand when they try to enforce them why they
12 get in trouble. If it isn't their job to enforce
13 these rules, change them is their attitude. But
14 don't back off from us when we try and do what you
15 have told us is our job.

16 The distrust and dislike of the Courts is
17 coupled with an active distrust and dislike of Al-
18 bany and of the administration in the institution.

19 The officers will cite at length Oswald's
20 speeches talking about a new era, retraining, et
21 cetera. They take this as a direct repudiation of
22 them, their training, and in some cases their lives.

23 Also, they say that the supervisors now,
24 up the line, are now having to take into account
25 more what Albany this and what the Courts may well

1 think and the safety of the

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2 institutions to equate with their safety. They
3 feel that the decisions made as a result of that
4 are decisions which imperil them. It is fair to
5 say from all this that morale deteriorated over a
6 3 or 4 year period and specifically deteriorated
7 rapidly in the year before the riot. This deter-
8 ioration of morale by all accounts produced a shift
9 by the older officers to the wall and the night
10 shift. They used the bid system to escape the in-
11 stitution. At the same time, the officers described
12 a change in the inmates. They say they are younger,
13 blacker, better educated, more urban. They say
14 that the old style kind, who was, by and large,
15 interested in doing his bit with the least amount
16 of trouble is gone now. His numbers are going and
17 his influence is going.

18 Before they describe a situation where
19 the old timers ran the place and it was a quiet
20 place to work and not a bad place to work. They
21 also describe the appearance of what they call
22 the so-called political prisoner. They describe
23 this prisoner as a man who feels he is a victim
24 of society and he feels no guilt over his crime
25 whatever it might be and they don't really care.

1 They say they cannot get him

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2 to reform willingly to any kind of norms within
3 the institution. In addition, they say that there
4 are a large number of people coming into Attica
5 with short sentences.

6 Interestingly enough, the officers claim
7 that they have very little problems with long term,
8 long life sentence inmates because these inmates
9 have to conform, they have to get along because
10 they are going to be there a long time. If a guy
11 is going to max out in 4 years, they say he doesn't
12 care. A position, the officers describe a policy
13 in the department of what they call transferring
14 trouble makers from other institutions to their
15 institution. They claim that Attica was known as
16 the maxi maxi of the New York State institutions.
17 Thus, they got, they say, the participants in the
18 Auburn riot--they got other people who other in-
19 stitutions had not been able to control and cor-
20 rect. They feel now that there are a large num-
21 ber of inmates within the institutions who will
22 not respond to respectful treatment, whether for
23 political or social reasons. They say that you
24 can't treat these men with respect unless--you
25 can't treat them like men. You just have to

1 attempt to control them as best

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2 you can. Thus, they say the inmates are more dif-
3 ficult--the department is under fire, the super-
4 visors are not backing the officers, the rules,
5 in essence, are in suspension. We described an
6 attitude going from uncertainty to alienation and
7 then finally to fear. They cited a number of
8 changes in the institutions which they say pro-
9 duced this. For example, they talk about taking
10 away the sanctions that used to be used in HBZ,
11 the so-called block. Officers can no longer use
12 gas under any circumstances. Strict cells are
13 increasingly rare, in fact, almost never are used.
14 They say, in essence, that there are no sanctions
15 to deter an inmate who does not wish to conform.
16 Also, they talk about other kinds of tools being
17 taken away from them in their efforts to control
18 the population. In the past, in this prison sys-
19 tem, and definitely in a large number of other
20 prison systems, the way to break up trouble makers
21 is to take a group, if you identify it and trans-
22 fer them two to one institution, two to another,
23 two to another, and before they could then organ-
24 ize or then make trouble, you keep transferring
25 them so there are inmates who literally spend all

1 their prison terms wandering

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2 from institution to institution.

3 The Department of Corrections, in the
4 year before the riot, adopted a policy that this
5 would not be done and officers are extremely angry
6 about this. The attitude of the department was
7 expressed that, "You are just going to have to
8 take care of your own now, we can't transfer them
9 around." This has brought great bitterness among
10 the officers.

11 In addition, there was a new order about
12 the use of gas at Attica. It said, basically, that
13 you had to have the permission, direct permission
14 of a lieutenant or above to authorize the use of
15 gas. Officers in Attica pointed out that there
16 are no phones readily available in the mess hall
17 to call a lieutenant. In fact, congregated situ-
18 ations in the mess hall, chapel, where gas is most
19 needed, and in fact the order is totally unenforce-
20 able. Actually, during the riot no lieutenant
21 gave the order to use gas because no lieutenant
22 could be found and when you put it together with
23 what you learned earlier about the phone room
24 with one line to the chart room, one line to the
25 front office, they say the order just has the

2 their lives.

3 In addition, they cite certain Court de-
4 cisions specifically. A number of the participants
5 in the Auburn riot were sent to Attica. These men
6 were put in HBZ or segregation. A Federal Court
7 ordered their release in the population. Almost
8 every officer in the institution cites this as a
9 significant source of apprehension to him. In
10 addition, they cite a breakdown in the disciplinary
11 system within the institution itself. They say
12 that within the past if you counted an inmate with
13 a shiv he was going to get keeplock for 30, 60,
14 90 days and if they caught him before, maybe 6
15 months. Now they say a man with a knife is, by
16 and large, going to get 2 or 3 days keeplock or
17 even in some cases a reprimand. They say that
18 they face what amounts to confrontation after this,
19 lock a man up, write him up for a shiv and then
20 the next day he is back on the gallery laughing at
21 them and that's exactly the way they talk about it.

22 Also, they say that the number of assaults
23 on officers and the defensual confrontation with the
24 use of obscenities have increased as the sanctions
25 increased. They cite a constant pattern of that.

1 It is fair to say that at the
2 time of the riot, the officers felt ignored. No
3 one had explained to them the changes that were
4 obviously taking place among them. When they asked,
5 they were told to enforce the rules. When they did,
6 they weren't backed up. There were massive fail-
7 ures of communications. Communication between them
8 and communication as a result between them and the
9 inmates.

10 MR. McKAY: Mr. Rossbacher, before you
11 retire for the moment, could I ask you one question?

12 One of the recurring problems, as you
13 have mentioned, is the difficulty of knowing what
14 rules are to be enforced and by whom and at what
15 occasions.

16 Can you give us examples, in three ways,
17 of the kinds of rules that are enforced all the
18 time, if any; the kind of rules that are enforced
19 sometimes, but irradically and the kind of rules
20 that are obstensibly on the books that are almost
21 never enforced.

22 Is that a category that you can deal
23 with?

24 MR. ROSSBACHER: I can try.

25 The rule against anything that would be

1 dangerous--for example, a shiv,

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2 a knife, a weapon of any kind would always be in
3 force. Also, any rule against any kind of drugs.

4 MR. MCKAY: How often does it mean that
5 individual's cells are searched in order to enforce
6 that rule against shivs?

7 MR. ROSSBACHER: The supervisors would
8 like to shake down cells rather frequently, es-
9 pecially of people they suspect. What they say--
10 at least the year or two before the riot was they
11 did not have sufficient personnel. It takes 35
12 to 50 minutes to shake down a cell to find one
13 knife or 10 pills and they say that within the
14 year to year and a half before the riot they were
15 unable to do that. Erratic enforcement might well
16 be for things such as droppers, certainly.

17 MR. MCKAY: You might explain what a dropper
18 is. It was explained before, but it was not iden-
19 tified.

20 MR. ROSSBACHER: It is a little heating
21 device that you can buy in any drug store in the
22 United States, which they make out of razor blades.
23 I guess it is an induction coil like. You put it
24 in and it heats up your water for soup or coffee.
25 It can be fairly stated that there is no rule about

1 droppers. A rule that isn't

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2 enforced at all is rather difficult. I would
3 imagine--

4 MR. LIMAN: A rule against hats, for
5 example.

6 MR. ROSSBACHER: For example, that.
7 There is a rule in most blocks that you are not
8 supposed to wear a hat in the block hall. That's
9 where you are.

10 MR. MCKAY: Is there also a tendency to
11 ignore restrictions on other kinds of clothing?

12 MR. ROSSBACHER: There are tendencies to
13 ignore almost any rule that the officers feel, as
14 a group, is ridiculous, of which there are a num-
15 ber.

16 MR. LIMAN: Mr. Chairman, I would say
17 that Mr. Rossbacher is presenting this from the
18 perception of the correction officers. I would
19 emphasize this because, as Mr. Addison will tell
20 you, these rules which officers say are in force
21 all the time inmates will say are not.

22 For example, the rule against knives.
23 Inmates will say that with respect to some inmates
24 officers won't look too hard for their shiv, while
25 with respect to other inmates they will turn the

1 cells upside down in the hope

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2 they can find one.

3 I think Mr. Addison will confirm this as
4 he proceeds with his narration.

5 MR. MCKAY: Thank you.

6 MR. HENIX: Could I interject at this
7 point? I don't want to lose sight of the fact
8 that we did say in the earlier part of Mr. Ross-
9 bacher's statement that officers had absolutely no
10 training. This is a fact. You see, because in
11 addition to that you were saying that as time pro-
12 gressed they could get to know the person and
13 they could have warm humane feelings about this per-
14 son, but at the same time I don't want to lose
15 that--and this is the officer's statement--that
16 they are inadequate, that they are not capable of
17 doing the job that the taxpayers are paying them
18 to do. Is this true?

19 MR. ROSSBACHER: I think the officers
20 would not agree that they are inadequate or in-
21 capable. What they would say is that they are
22 trained to run secure institutions and are trained
23 in security; that the emphasis has changed toward
24 rehabilitation, toward programs, that their attempts
25 to get training have been to unavail.

1 MR. HENIX: But they

2 have none?

3 MR. ROSSBACHER: But they have no train-
4 ing and they are bitter about it.

5 MR. LIMAN: Mr. Addison will now talk
6 about some of the gulfs in his warm and human re-
7 lationship that you spoke of, Mr. Henix, as these
8 gulfs are preserved by inmates.

9 MR. MARSHALL: Could I ask a question--

10 MR. LIMAN: You need a mike.

11 MR. MARSHALL: --of Mr. Rossbacher about
12 the gas and the rule on requiring permission of a
13 lieutenant to use the gas. I understood that you
14 were sort of summarizing what a whole lot of offi-
15 cers said in interviews--

16 MR. ROSSBACHER: Yes.

17 MR. MARSHALL: What have there in fact
18 been occasions when gas was needed in the mess hall
19 or in the chapel when it was not available for use;
20 do you know?

21 MR. ROSSBACHER: Not yet, no. That's the
22 way they would answer.

23 MR. WILBANKS: Mr. Rossbacher, you men-
24 tioned the Sostre case. Just for the edification
25 of the audience, would you explain what that case

1 involved?

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2 MR. ROSSBACHER: It involved a decision
3 by a Federal judge in New York which set up large
4 rules and instructions on prisons under the guise
5 of the constitution. As a result, New York State
6 issued an entire set of regulations, written, I
7 believe, by Mr. Butler, which were intended to
8 implement this. Correction officers pointed out
9 that Sostre was largely reversed in the Second
10 Circuit Court of Appeals. However, the regula-
11 tions were not reversed by the state. As a re-
12 sult, they feel that somewhere there has been an
13 over-reaction by the department to the Courts be-
14 cause they have not revoked, in essence, things
15 they did under the guise of Sostre and, in addi-
16 tion, they state that the department is not fight-
17 ing for them as vigorously as it could and defend-
18 ing their old practices and its ways.

19 MR. CARTER: Mr. Rossbacher, in your
20 description of the case you used the term "the
21 guise in support of the constitution."

22 You don't mean to be making a value
23 judgment--

24 MR. ROSSBACHER: No, I don't. I'm say-
25 ing what they said. They feel that it is not re-

1 quired by the constitution

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2 of the United States.

3 MR. LIMAN: I would emphasize that in
4 these presentations, the staff is speaking as if
5 they were speaking for the interviewees whom we
6 have seen in private and not speaking for them-
7 selves, because the important thing is not the
8 viewpoint of a staff member, but what we have
9 learned in these 2,000 interviews and it is
10 important to remember because in relating these
11 narratives, it is difficult to keep saying that
12 officers say or inmates say and so it comes across
13 as if it is a staff member or myself really saying
14 it.

15 The important people are the people we
16 interviewed. They are the people who are at
17 Attica day in and day out and in listening to
18 these narrations, I think it is important to re-
19 member that this is based upon a rather unique type
20 of investigation, seeing everybody under these
21 assurances of confidentiality and trying to urge
22 them in an environment of fear that they should
23 have enough confidence in us to speak their minds
24 so that perhaps tragedies, such as that which
25 occurred, can be averted.

1
2 many officers were interviewed?

3 MR. LIMAN: It was approximately 400.
4 We made an effort to see every inmate and every
5 correctional officer. Where people were trans-
6 ferred or where we were unable to locate people
7 who had been relieved, we weren't successful, but
8 even that effort, as you know, Mr. Marshall, is
9 continuing so that by the time the Commission re-
10 ports everybody who has any knowledge of the facts,
11 either because he was an inmate at Attica or some-
12 where else

13 (Continued on page 47.)
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1 or a correction officer or some community

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2 contact will have the opportunity to communicate
3 directly with the Commission.

4 MR. CARTER: Mr. Rossbacher, was there
5 ever expressed to you by the officers a feeling
6 that what was needed was a new type of officer
7 in order to deal with these problems? In other
8 words, did these officers ever express to you
9 the feeling that they needed some different kind
10 of standards in order to adequately staff a place
11 like Attica?

12 MR. ROSSBACHER: They have constantly
13 expressed the desire and the need for different
14 kinds of training, because they stress that the
15 training that they have received has not really
16 equipped them how to do the kinds of things that
17 seem to you to be asked of them. They don't say
18 that they should be replaced. In other words,
19 that different kinds of people should be correc-
20 tion officers.

21 MR. CARTER: Was that universal?

22 MR. ROSSBACHER: Fairly universal,
23 especially among the younger officers. The
24 older men, who are finishing their terms, are
25 not particularly desirous of training if they

1 only have three or four years left.

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2 MR. HENIX: Mr. Rossbacher,
3 in their description of what was lacking, did any
4 of the officers say that they felt they would be
5 more effective, inasmuch as a larger portion of
6 the inmates in the Attica Prison at this point
7 in time were black and Puerto Rican, did they
8 indicate in any way that they felt having black
9 and Puerto Rican officers there to assist them
10 in understanding our needs would be desirable?

11 MR. ROSSBACHER: Yes, they did. There
12 is at least two or three within--two or three
13 different points of view on that. Almost every
14 correctional officer said he would welcome black
15 and Puerto Rican correction officers, provided
16 they met the same standards that the men now there
17 did.

18 MR. HENIX: They didn't have any
19 standards to meet.

20 MR. ROSSBACHER: If they take an exam
21 as equally as difficult, if they are as told--
22 that's basically their attitude. There is a
23 split in opinion on whether being black or
24 Puerto Rican within them would make much of a
25 difference. They cite the fact that Bedford

1 Hills and Sing Sing have a majority 49
2 of black and Puerto Rican officers there and they
3 don't seem to feel from what they have heard that
4 Sing Sing or Bedford Hills is a much calmer place.

5 MR. HENIX: It is a better place than
6 Attica Third.

7 MR. ROSSBACHER: I don't know. They don't
8 know either, I would imagine.

9 MR. HENIX: In the reports, having talked
10 to a lot of them and knowing a lot of inmates, I'm
11 sure that most inmates would rather do time in
12 Sing Sing or Bedford than Attica.

13 MR. ROSSBACHER: I think their major
14 point, though, is that black and Puerto Rican
15 inmates can come in and help them do the job, I
16 mean officers, and make it a better place. There-
17 fore--

18 MR. HENIX: Which means the job that
19 they would do at this point in time means security,
20 it doesn't mean rehabilitation?

21 MR. ROSSBACHER: I imagine that's true,
22 yes.

23 MR. HENIX: Thank you.

24 MR. ROTHSCHILD: Mr. Rossbacher, you
25 mentioned a different subject, the fact that a

1 substantial number of inmates who were 50
2 the most easy to deal with and make the most con-
3 structive inmates in the eyes of the correction
4 officers are therefore the most serious crimes.
5 In that same line, have you any information you
6 could give us as to the general concept of the
7 correction officers to the need for the tight
8 security which Attica affords to the main body of
9 the inmates there, to what degree do they feel
10 that the inmates are dangerous and mostly kept
11 under very tight security, et cetera?

12 MR. ROSSBACHER: I think every correc-
13 tional officer that we interviewed has said that
14 one of the greatest lacks of the State system is
15 a classification system. Their estimates would vary
16 between 30 and 70 per cent on the number of inmates
17 who actually need the current maximum conditions.

18 They would almost unanimously be in favor of
19 the establishment of the smaller, less security
20 institutions for what on balance is at least a
21 majority of the inmates.

22 MR. LIMAN: Mr. Addison.

23 MR. ADDISON: On the subject of staff
24 integration, according to former superintendent
25 Mancusi there have been seven or eight black

1 officers at Attica over the last five 51
2 years, never more than three at a time. Virtually
3 all left.

4 Inmates believed they left because they were
5 unable to find suitable housing in the area because
6 of discrimination and B, white officers were
7 hostile to their presence.

8 Inmates claim that white officers resented
9 the relatively close relationships that black
10 officers would establish with inmates and encourage
11 white inmates to harass black officers by pranks
12 such as flitting an officer's hat. A black man
13 was designated deputy superintendent after the
14 riot. Inmates who claimed to have known him well
15 claimed that he left out of the frustration of not
16 being able to implement even minor changes, even
17 though he is given credit for instituting the
18 hobby shop and Thursday afternoon services for the
19 members of the Nation of Islam.

20 At present, April 10, 1972, there is one black
21 officer at Attica. He lives in the Attica Hotel
22 and commutes 120 miles on weekends to see his
23 family. In private conversation he has intimated
24 that he is seriously considering leaving. Very
25 few black and Puerto Rican inmates felt that having

1
2 would change nothing. Most expressed the con-
3 viction that such presence would give signifi-
4 cantly lesser the hostility between the inmates
5 and the guards, much of which extends from cross
6 cultural conflicts and lack of understanding.
7 Many white inmates stated that black and Puerto
8 Rican guards were needed. They also stated that
9 to be effective, those guards should be recruited
10 from the cities. We are satisfied, from our
11 interviews with the inmates and correctional
12 officers, that there is inconsistencies in rules
13 from one institution to another and in addition,
14 in consistencies in the rules and their enforcement
15 by different officers within Attica.

16 Examples of inconsistency from institution
17 to institution are at Clinton, inmates are allowed
18 to have aerosol shaving creams, and order
19 linoleum for their cell floors and can purchase
20 jackets to wear.

21 If transferred to Attica, these articles
22 will be confiscated and the inmates faced with
23 the choice of having their property destroyed or
24 sent to their families at their own expense.

25 Examples of inconsistencies by officers within

1 Attica are that some demand that 53
2 inmates lines up by height when they move in a
3 group, some don't. Some demand silence from
4 inmates when a group is moving, some don't.
5 Some officers ignore droppers, some consider it
6 reason to write-up an inmate.

7 Some officers will report some inmates
8 for possession of droppers and ignore the
9 possession by others.

10 The situation is exacerbated by the fact
11 that the same officer is not on permanent duty
12 with the same company. Almost all inmates, includ-
13 ing the acclimated ones, are frustrated by the
14 inconsistencies. The older inmates complain that
15 in the old days you knew where you stood. Many of
16 the younger white inmates feel that rules are
17 designed to quash individuality. Many of the
18 black inmates believe that they are designed to
19 surpress their manhood.

20 MR. LIMAN: Mr. Addison, I think this
21 might be an appropriate time for me to read an
22 illustration of the frustration created by the
23 inconsistency and the pettiness and rules to which
24 the inmates are subjected.

25 One inmate who spoke to us in private

1 has ulcers and he cannot drink 54
2 regular coffee. He requires de-cafinated coffee,
3 such as Sanka. The commissary does not stock it
4 and so, on February 16, he sent a check for \$10
5 to the Super Duper Market in Attica for de-
6 cafinated coffee.

7 During the next month and-a-half he was
8 told by the package room officer that he would get
9 his coffee, by the mess hall sergeant that the
10 prison did not do business with Super Duper and
11 that the \$10 was returned to his account and by
12 the accounting department that the check was
13 still at Super Duper.

14 In response to a letter dated March 6,
15 the inmate received the following reply from the
16 new superintendent.

17 "Dear--and I will strike the inmate's
18 name--I am very sorry, but it does not appear
19 we are able to accede to your wishes at this
20 time. However, I was informed yesterday by
21 officials of the office of general services and
22 contractors involved that we can expect our new
23 commissary building to be operative possibly by
24 June 1, at which time we will be stocking many
25 of the items such as you mentioned. I trust that

1 you can abide by the present regula-
2 tions until that time."

55

3 In reply to this letter on March 29,
4 the inmate wrote the new superintendent describ-
5 ing his experience and his frustrations and
6 ending as follows:

7 "This is to advise you that I am not
8 going to wait any longer for my coffee purchase.
9 I will seek redress in a federal district court,
10 since it is obvious that you, like your predecessor,
11 want the federal courts to run your prison. So
12 here we go--inmate's name versus Montainya in the
13 matter of the Super Duper de-cafinated cause.
14 How ridiculous can you get?"

15 That's the end of the letter.

16 MR. ADDISON: Virtually all inmates
17 are critical, although some say that there are
18 inmates who are hypochondriacs and others who
19 go to sick call for social reasons. They
20 complain that they are treated callously and
21 cross-examined as to whether they are really ill
22 and are presumed to be in good health. A common
23 illustration of the attitude of which they complain
24 is the statements often made by the doctors,
25 confirmed by the correction officers.

1 "How do you know you have 56

2 a pain? Why do you feel you have a headache?

3 Where did you get your medical training?"

4 A civilian employee summed it up as
5 follows:

6 "It is acknowledged that the institu-
7 tional physicians are capable, duly trained
8 doctors. However, they appear to be disinterested
9 in the care of all the inmates to the point that
10 it is cruel."

11 Mr. Addison, you were just reading in
12 part there a memorandum which we obtained?

13 MR. ADDISON: That's correct. Other
14 specific grievances which contributed to inmate
15 frustrations were the assignment of jobs, wage
16 and price structure, lack of educational, vocational
17 and recreational programs and facilities, custodial
18 services, such as food and hygiene, access to the
19 outside world through visits and correspondence
20 and the grievance procedure. Most inmates
21 complain that there is discrimination not only
22 in the assignment of jobs, but also in the area
23 of promotions.

24 This discrimination, they say, is
25 mainly racial with white inmates getting a

1 disproportionate share of the better 57
2 jobs, such as clerks and runners, and black
3 workers getting the low grade jobs in the metal
4 shop or it may manifest itself by white inmates
5 starting off at a higher pay grade in the same
6 job.

7 Besides racial discrimination, inmates
8 complain that inmates favored by guards or super-
9 visors are preferred over others regardless of
10 race or qualifications and that homosexuals are
11 often favored for job positions.

12 We have analyzed the job assignments
13 as of September 9 and have learned that in 74 per
14 cent of the job categories, racial proportions
15 are significantly different from the racial ratios
16 of the general population. We find that white
17 inmates filled more than 50 per cent of the
18 following positions:

19 Although they constituted only 30 per
20 cent of the population--

21 MR. LIMAN: 37 per cent.

22 MR. ADDISON: Pardon me. 37 per cent
23 of the population.

24 Disposal, carpenters, commissary,
25 electrical shop, farm, locked gates, clerks,

1 mess hall, officers' mess, pages, 58
2 porters, power house, store house and runners.

3 We find that Puerto Ricans, who con-
4 stituted 8.7 per cent of the Attica population,
5 held 35 per cent of the positions on the coal
6 gang.

7 We find that black inmates held 64 per
8 cent or more of the following positions, although
9 they represented only 54 per cent of the inmate
10 population:

11 Grating gang, barber shop, buyer gate,
12 bank shop, chapel, band, butcher shop, shoe shop,
13 state shop, tailor shop, metal shop, masons,
14 laundry, electricians, maintenance, and superinten-
15 dent's grounds gang. Out of 50 clerks in August
16 of 1971, none were Puerto Rican.

17 None of the six runners or eight
18 commissary inmates were Puerto Rican.

19 Of the eight inmates at the officer's
20 mess, none were Puerto Rican.

21 11 per cent of the inmates working in
22 the mess hall and 50 per cent of those on the farm
23 were Puerto Rican.

24 All of those are considered to be good
25 jobs.

1 The grating companies are 59

2 considered disciplinary companies. The metal
3 shop is the large catch-all for inmates who
4 may not be particular problems, but who are not
5 considered for better jobs. In these categories,
6 blacks constituted 80 per cent and 67 per cent
7 respectively of the inmates assigned.

8 Clerks and runners are the prestigious
9 jobs, the coveted jobs. Whites constituted 70
10 per cent of the clerks and 66 per cent of the
11 runners.

12 Mr. Jackson, a white inmate, testified
13 in Rochester that he felt that he received
14 preferential treatment because he was white.
15 This view was expressed privately in our inter-
16 views with our white inmates. There, thus, is
17 a pervasive attitude among the inmate population,
18 both victims of racial discrimination.

19 Some older white inmates felt that
20 blacks were now being favored and pointed to the
21 large numbers of blacks now in good jobs. Some
22 blacks also felt that there was no racial discrim-
23 ination in job assignments.

24 Typically these inmates were older and
25 satisfied with their jobs, which were generally

1 good jobs. These inmates generally 60
2 had established favorable positions with correc-
3 tion officers.

4 MR. LIMAN: Mr. Addison, am I correct
5 that the sense of all of these interviews was
6 that there is job discrimination and that what-
7 ever may be the basis on which the jobs were
8 assigned with these figures that you gave, when
9 you looked at the job proportions, a person who
10 felt that there was a job discrimination would
11 find evident in the way in which the statistics
12 were in evidence that this discrimination existed?
13 For example, if the clerk jobs, et cetera, were
14 putting it differently, the figures would not
15 convince anybody who felt that way or other ways?

16 MR. ADDISON: That's correct.

17 A VOICE: Sir.

18 MR. MCKAY: Mr. Addison, I would like
19 to ask a question that relates to something that
20 you said and something that Mr. Rossbacher said
21 and see if I can put them together.

22 There was a question as to the regard
23 that the inmates and officers both had, as I
24 understood it, about the job rotation system,
25 that means, now, as I understand it, that officers

1 are often rotated and often do not 61
2 have the same companies consecutively over a
3 period of time. If I understood you correctly,
4 Mr. Addison, you said that most inmates object
5 to that because of the lack of familiarity and
6 lack of continuity with the officer.

7 MR. ADDISON: That's correct.

8 MR. MCKAY: And if I understood Mr.
9 Rossbacher, he said that officers also object
10 to that; is that right, Mr. Rossbacher?

11 MR. ROSSBACHER: Yes.

12 MR. MCKAY: Then how did that rule get
13 started; who is for it?

14 MR. ROSSBACHER: The administration
15 maintains that due to the understaffing, it is
16 a more sufficient way to assign officers one to
17 the blocks which is part of the rule. The
18 rotating days were also regarded and pushed very
19 hard by the superintendent at that time as a more
20 desirable way to run the blocks. It was, at least
21 in part, that it would be more efficient, and that
22 also the younger officers would also not wait
23 years as with the older system to get weekend
24 days off; that it would be fairer to everybody.

25 MR. LIMAN: Mr. Addison, do you want

1 to continue?

62

2 MR. ADDISON: The basic complaint is
3 that wages are so low that working at Attica is
4 tantamount to slavery.

5 The inmates feel that the State
6 Minimum Wage Law should apply to inmate workers.
7 The pay scale for inmates ranges from 25 cents
8 a day to a high in a few jobs of a dollar per
9 day. Based on an average of 22 working days a
10 month, an inmate can earn from \$5.50 to \$22 a
11 month or to put it another way, \$66 to \$246
12 a year as of September 9.

13 From this amount, inmates purchased
14 stamps, toilet articles, when the institution's
15 supply ran out, cigarettes, towels, books,
16 magazines, diet supplements and other things
17 from the commissary. The prisoners object to
18 the high prices at the commissary. Actually,
19 the prices are high only in relation to the
20 purchasing power of the inmates, which is
21 determined by their wages and their frustration
22 comes from not being able to fulfill the very
23 specific needs they have.

24 The Correction Department apparently
25 recognized that the pay scale is inadequate for
