A I was in D Block about a year and a half.

Q So you knew all the inmates there by name in your company?

A No. I was a hall captain there. I didn't deal with--

Q How many individuals in a hall?

A 500.

Q Would it be fair to summarize general reaction to the changing situation in the institution, I take it other institutions in the State, by saying you believe if it were possible to return to the older more restrictive rules the tensions and difficulties would be reduced?

A No, I don't think that's correct. I don't think that going backwards solves anything. I think we should go ahead. Let's do away with these rules if we are not going to enforce them so we know where we stand and the inmates know where they stand.

Q Then you don't particular object to the present level of actual rule enforcement if it were stated that that is the rule?

A No, I have no objection to it.

Q Do you think it would be helpful to be more permissive for the future?

A Permissive?
Q Yes, sir. In other words, to relax the rules even further, to allow droppers.

A I think they should relax the rules, sure, but to relax rules you have to have enough personnel to maintain the situation in any given situation.

Q It would take more personnel in your judgment if the rules were to be relaxed?

A Certainly.

MR. LIMAN: The reporter has to change his paper.

(Continued on page 416.)
Mr. Wilbanks, have you questions?

Mr. Wilbanks: I have a couple of questions.

Examination by Mr. Wilbanks:

Q I want to try to determine, if I can, why you feel, as I think you do on a couple of subjects. One, I know other officers bring back the idea of not being backed. You indicated when you were in HBZ you were writing reports of misconduct and nothing resulted. I want to probe this a little bit. I want to find out why you believe this. Let me amplify my question.

The Readjustment Committee is the one, I suppose that handles this kind of violation. They are people who work in the institution, both officers and civilian personnel.

A That is correct.

Q What I wanted to try to determine is this, why you feel like they don't back you in the way that you think you should be backed. For example, are they more liberal, is it a disagreement on policy or on the facts, or do they not understand your problem? Or is it pressure from above?

Why do you feel, since this is a very important grievance, that they do not back you? What is your
Well, the action that the Policy Committee takes in many cases, when you write a report -- in the past, when you wrote a report out, the man would receive a sentence of five days in the cell or something of this nature.

Now they give a lot more warnings. I have asked and suggested that since we do have a new system and it does -- and the officers are frustrated by it, that we -- that the officers should be educated to this new system a little more than they are.

The Department has done some educating along these lines but not enough.

In other words, if I am a reporting officer, it would be nice if I knew what the Committee decided, at least. But I write a report out and that is the last I hear.

Q So the major -- in this very common grievance among officers, one of the many faults you see is the lack of communication?

A Yes, a lack of understanding of just exactly what is going on.

Q Are there meetings between line officers and people who serve on this Committee and the warden and all the way up to Mr. Oswald, all the way up the ladder
and down? Is there a problem in communications in why each group believes what they do?

A Yes, there is no doubt of that. Communications is one of our biggest problems as far as the correction officer is concerned right now.

Q Are there efforts being made to --

A I hope so.

Q A second question along a similar line. You did not mention this specifically, Mr. Cochrane did and perhaps I should have at that time asked him, but I think you probably feel the same way.

He spoke about bad press. In general, would you agree with that statement?

A I am amazed with the press personally because when they first came to Attica, several of us talked to the press, and when we later heard our statements, supposed statements, or saw the writeup in the paper, they were entirely different from what we had said or intended.

Q My question really about this is why you feel that this occurs. For example, is it because they don't come and check with you about a particular charge, or is it because they have a certain viewpoint?

I am not asking the facts. I know -- what is the feeling of officers as to why this type of thing --

A We are a little confused, whether it may be
sensationalism to sell papers, it may be any one of a number of things. It may be what the -- what they think that the paper wants to hear or what society wants to hear, how many papers are they going to sell.

Q For example, at HBZ, if there was a charge that an inmate during the time you were there was beaten, and just say hypothetically your name was mentioned, if a reporter came to the gate at Attica and said, "I have a charge against a particular officers and I would like to investigate, would he be allowed to come and speak to you and if so, would you be allowed to respond?

A I believe that you would be able to give the press your views on any given instance, yes.

Q He would be allowed to enter the institution?

A I don't know that -- that wouldn't be my determination. I suppose it would depend on the particular case, how serious.

Q If he came, you would feel no hesitation in responding in the best manner you felt --

A No, I wouldn't.

MR. WILBANKS: Thank you.

MR. MC KAY: Mr. Carter.

EXAMINATION BY MR. CARTER:

Q Mr. Goewey, I want to ask you several questions.

In talking to the inmates, both the two that
appeared here yesterday and interviewing them away from here, we heard that racial discrimination exists at Attica in terms of -- that it is better to be white. You could get preferential treatment if you are a white inmate.

Sergeant Cochrane this morning indicated that there was no prejudice by officers in their relationships with inmates. I would like your comment on that.

A Well, as Sergeant Cochrane told you, that to display anything of this nature would be a deterrent to doing your job, would make it more difficult for you.

Certainly people have their own feelings and while possibly, if a person does have racial feelings, even though he is not bringing these forth or using these in a particular decision, possibly it can be felt by these individuals.

So I suppose it is a problem, especially if you are a black man and you feel very strongly that you are being discriminated against even though this man, the officer, the particular officer in a given case might not really be discriminating against you, you may feel his feelings.

Q Or he may not feel he is discriminating against him but he is in fact.

A It is possible, certainly.

Q Do you believe that being a correction officer
has a tendency to increase arbitrariness? In other words, you are dealing with people who have little say, who have little redress, but if you deal with them certainly outside, away from the public, they have no redress, do they?

A No. Well, they do but it is -- I understand what you mean. Many of the officers, because of this case, because of this particular instance where this is true that they do not have any recourse, many of the officers bend over backwards because of this, and I suppose it would go the other way too, that if certain individuals are given authority that they are not -- haven't experienced in the past, perhaps they are a little more vigorous than they should be.

I suppose it would be a split down the middle; in many cases the officer would be more sensitive to it, in other cases no.

Q I think that you said about HBZ block, that these men were screaming all night and nobody -- nobody to stop them. How would they be stopped?

A I don't know. I don't know. I suppose you would write up reports. There isn't any physical way to stop them no, but what these inmates are doing, screaming all night, are disturbing patients in the hospital.

I suppose that if this was explained to them, maybe they would hold it down but I don't think they will, not the
particular people.

And there are other inmates -- not all the inmates in HBZ are screaming. Other inmates are sitting there, laying there, trying to sleep and being disturbed all night long.

Q I was trying to understand the comment that you made about their screaming and there is nobody to stop them.

A It's a problem in the hospital where I work.

Q I would like to probe one other area. You, and I think Sergeant Cochrane, had the same idea that the system is doing as much as it can to rehabilitate these people, and I really want to understand what you mean by that.

A I didn't say that the system is doing everything it can to rehabilitate them. I say -- I said that the institution -- there are many more things that could be done but we need more funds, more resources.

Q I'm interested in that because I want to find out what you are doing, in fact, and I want you to understand that these questions I am about to ask you are not intended to be hostile in any event, but I really want to know some facts.

You are white, from a rural area, I gather, in --
I am from Oswego. That is a city of about 25,000, I guess.

Of 25,000 people in rural New York. And let me use the "you" not as you personally, but as you generally. The officers that are with you are generally of your class and background at Attica?

Pretty much so, yes.

What do you know about the black experience? What is black experience? How are you -- what training have you had in black experience in this country, what it feels like to be black?

Well, obviously I haven't had any training as to what it feels like to be black.

What do you know about black psyche, how this experience -- how the black experience has affected black people?

Only what I read and what I observe.

Is there anyone you know up there who does have any insight into that?

Well, we have as many insights into this as we do as far as crime itself is concerned.

Do you think that the --

We don't have too many criminals that work up in the institution but we still have to deal with criminals.
Q But there are people who are experienced, who are criminologists, aren't there?

A Certainly.

Q They know something about crime. What I am interested in is a black, a young black who comes to Attica. He is 19 or 20 years old, he is hostile, he is rebelling against society. He feels the white institution are oppressive. He is enraged.

Is there anyone who can deal with this kind of human being in order to, quote, rehabilitate?

A Only if he allows them to.

Q What do you mean by that?

A Well, obviously nobody is going to get next to this man unless he allows them to, whether he be a black man or a white man.

Q The thing I am really trying to ask, I think that there is a difference -- maybe I am wrong, I think that there is a difference in terms of his being black and having a black experience and white officers, than being a white man.

A Yes, the same difference that a farmer would have when he comes to Attica or a big city man, or a rich man or a poor man, or a black man or a yellow man or a white man, they are all differences.

Q You would equate them all the same?
A  I don't think you could equate them all the same
no, but they all are significant.

Q  What would you do -- the reason I am asking the
questions, you are getting increasingly more blacks of the
kind that I've categorized, and more Puerto Ricans, more
people who are not white, who are rebelling against the
system, who feel alienated.

What does one do to -- what is there at Attica
to rehabilitate them, other than just be custodians for
them until their time is up?

A  Well, you try to gain their confidence. In
gaining a man's confidence, you talk to him. I have
talked with many of them.

Q  What do you talk to them about?

A  Just general, average, everyday things. What
would you talk to a man about if you are trying to gain
his confidence and trying to be friendly towards him.

Q  I don't know. I think that if a man comes from
the black ghetto, you have to have something --

A  I have talked with young black men from the
ghettos and I have talked to them about some of the
problems that they have had and are experiencing, and I've
tried to help them too. I don't know how successful I've
been.

Q  I am not -- I am sure you tried. What I am
trying to probe is what are the tools that are available, really, to aid in doing something for this man. I am not suggesting that you are not trying.

A There are psychological tools.

Q Do you have them there?

A I am not an expert, no.

Q Is there anything like that available to you?

A Well, with the training, no, the training classes are not available, not at this time. I think this is one of the things that is an imperative situation in the prison, that we should be able to deal with the different types of inmates on their own level a little better than we have been in the past.

MR. MC KAY: Mrs. Wadsworth, have you questions?

MRS. WADSWORTH: Yes.

EXAMINATION BY MRS. WADSWORTH:

Q I would like to direct my questions to a broad conceptual level of the correction system, not too much of the detail. I assume that this is of great interest to you. You have given fourteen years there, I assume this is your life's work, that this is the whole thing in which you are interested. I am assuming this.

Since my part on the Commission, I have heard a great deal about change, change of all kinds in the correct:
system. I hear about it a great deal but I see more change in the people coming into the prison than I do, real in the system itself, or in what is going on there.

From your background, your fourteen years and your dedication and interest, do you think that there really are faults at this time, major faults in this system, or do you think that really we are doing about all we can based -- not funds and dollars, but do you think this is the system and do you think there are major faults in it at this point?

A I think the system is pretty much of a failure. When you have as many inmates coming back from parole as we do, then obviously there is going to have to be some changes. We have to find the answer.

Q Then in your view, there are necessary changes?

A Absolutely.

Q There really are changes that must be necessary and we can't keep talking and reporting, but there are changes from your point of view that need to be made?

A That is true.

Q If there are indeed changes, I've never seen any major conceptual changes that happen without someone caring a great deal.

I am looking for the publics -- plural -- who might be interested in change. The people involved seem to
be inmates, inmate families, correctional officers and supervisory, administrative people at the local level.

Perhaps the fourth group would be it, I will call it Albany, at that level. And then lastly, the public in general. Those seem to me, as we have been talking this afternoon, five groups who might be interested.

Of those five and perhaps you can suggest others, who really cares enough to make any of these changes come true? Do you think any one of those groups really cares enough?

Most change comes because people are so involved and so motivated and so involved in the dictionary sense of being in it, that they can't get out without solving it.

Do you see any groups that are involved, anyone that cares enough to really change the system?

A No. One of the things that causes change is force, and force to change something has also changed. I don't think any of the groups that you mentioned care as much as they should.

Only the closer you get to the situation, you will find it -- these people will be the people that care the most, and the further you step away from it, other things begin coming into the picture.
Like the Legislature is, how much, or do I get any votes for doing this, whereas if I put in a railroad bridge or a bridge over a river, a new road, then I will receive more votes this way than if I would improve certain conditions in the institution.

The public probably is the least interested, the furthest group away. The only time they are interested in it is if they have someone they know that is involved, an inmate or an employee, or some spectacular consequence that happens because of the institutions.

But I think I have to agree with you that there isn't enough -- even at our -- even as the employees, the correction officers themselves probably could care more, but we have to become more involved than we are now.

And to become more involved, we have to be part of these changes, not just a tool. While we are a tool for the Commissioner and the Superintendent and the public, the better tools you have, the better job you can do.

So we feel that improve the tools, improve the facilities, improve the opportunities, improve the officer. This would be something that would inspire us, anyway at our level. I don't know about the other levels.

Q Would you, then -- what would be your response to my statement that perhaps the situation is almost hopeless?
A We can't deal with a situation in this manner.

No, we don't --

Q I mean improvement of the situation.

A Again, we have to hope -- how can we work there if we don't. We have to hope that these improvements are forthcoming. We have to hope that there is enough -- there are enough people who have become more interested in our situation and that they will put some more effort forward.

MRS. WADSWORTH: Thank you.

MR. MC KAY: Bishop Broderick?

EXAMINATION BY BISHOP BRODERICK:

Q My question was very eloquently articulated by Mrs. Wadsworth and eloquently responded to. I was interested in hearing you say the system was a failure, but there is still some hope for either a new system or an improvement on the old system.

It must be difficult to -- even at night work in HBZ for twelve years, did you find this disspiriting?

A Yes, I did, but I couldn't get out of it.

Q Do you find the morale of the officers low at this place?

A The officers that work there?

Q Yes.

A Oh, yes.
Q You did mention that the purpose of -- as I recall, the purpose of HBZ was to get inmates ready for the general population. Is this the general population of the prison, I assume?

A Yes. The fact of the matter is that HBZ was used not only to cause people to think that maybe I should obey the rules in the institution, it was also used as punishment in some cases.

If the administration felt that this man was -- won't respond, he was put there for punishment. That is a fact, and it was up to us in this area to see that he did conform to the rules, as far as we could.

Q Then my concluding observation is, did I hear you correctly when you said that you and other correctional officers felt there should be some plan for the uprising and you did refer it to the administration, but nothing happened; is that what I heard?

A That is correct.

BISHOP BRODERICK: Thank you.

EXAMINATION BY MRS. GUERRERO:

Q You have answered really, almost, when you said the system has to be improved, but I have just two questions.

Do you believe that it is fair to accuse a person without giving the person a chance to face his accuser even if he is a criminal?
A: No, I don't think so. I think that if an officer accuses the inmate of something, that the officer isn't there to respond.

I think that this is an inadequacy on both sides. If I am an officer, I should have the right to be there to respond, and the inmate should have the right to have me respond to his particular questions, yes.

Q: So which means, of course, as the way it is now, it is very unfair to both, especially to the inmate because he can't do anything about it. Whatever he does, it goes further and further against him; right?

A: Well, this is a possibility. It would depend, of course, on the case.

Q: I have another question which, of course, is, do you think there can be law and order without justice?

A: Of course not.

Q: Well, this is what a lot of people ask for, you know, just put them in jail or shut up and that would be okay.

This is very personal. Though all these long years working as an officer, have you ever found yourself liking some of the inmates as people, as an individual, compassionate enough to feel sorry for them because they have become criminals, and friendly enough --
Many, many cases, yes.

MRS. GUERRERO: Thank you.

MR. MC KAY: Mr. Liman has a question he would like to raise at this point.

MR. LIMAN: No, I haven't any.

MR. MC KAY: Mr. Rothschild.

EXAMINATION BY MR. ROTHSCHILD:

Q You mentioned the fact that the problems of the change in administration is the liberalizing of the rules, is not so much at the root of it as the enforcement, and the clarity on the part of the correction officers and the inmates is they are not clear enough, and so it would be better that the liberalizing itself isn't what bothers you.

Is this a point of view that you think is generally held by correction officers, because we have heard a lot and I'm not trying to play games, we have heard an awful lot of correction officers say the reverse, that liberalizing the rules really lies at the root of the problem.

A I think what they mean, though, is that if we are going to have rules, then let's enforce these rules. That is what they are talking about.

I think most of them realize there are many rules, that if we enforced every rule, they would have to be hypocritical.
Q In that same light, and I don't quite know how
to ask this question -- it relates to liberal -- you
mentioned, you were asked by Mr. Liman about goon squads.
I sat in on an interview of a correction officer who was
a good deal younger than you are, a lot younger than I am,
who was discussing -- I was a member of the Commission that
was monitoring the interview at Attica, and he felt that he
had an opportunity to tell me as a member of the
Commission what he really thought was at the root of the
problem, and he felt very sincerely that this was a chance
to get on the record the things he thought were necessary
to get on the record, and he hasn't been there as long as
you are.

He told me, and with great sincerity on his part
that the fact of the matter is that he believes the re-
institution of the goon squads, and I am quoting him
directly, I am quite certain, was one of the main answers
to the problems that he as a correction officer faced at
Attica, which makes me -- I don't know what to think,
because he apparently is under the illusion there used to
be -- I am fortunate enough not to know one way or another.

Do you think he was using it as a figure of
speech?

A I don't know. The very fact that every officer
in the institution is being used in a particular area, a
particular job, and that he is in any one of a number of
different areas in the institution on any given time,
would have to indicate that goon squads would be impossible
to begin with.

A goon squad would have to be a group of men
sitting down, smoking cigarettes and drinking coffee,
possibly playing cards, waiting for some incident to
happen.

No, there is no such thing as a goon squad,
simply because possibly that it wouldn't be -- you
couldn't implement it.

Q The only other question I have is one of
curiosity on my part. It may be after you left HBZ.
At the time I visited HBZ, the correction officers had a
recorder. This may have happened only after the incidents

A That is correct.

Q That is after you left?

A Yes.

MR. ROTHSCHILD: Then I won't bother you
with the question. It is not appropriate.

Thank you.

MR. MC KAY: Mr. Henix?

EXAMINATION BY MR. HENIX:

Q I would like to just respond first to the
question about the goon squad. The way I saw the goon
squad activated, because I started very young too, at 17, and it is quite a few years ago, they had a certain amount of officers who they could depend upon, who had other responsibilities throughout the institution that could be summoned at a moment's notice, and of course they had the reputation for being able to subdue any types of disorders.

That is not my point. What I wanted to ask is how long have you been the union representative and what are your responsibilities as a union representative?

A Well, I am not a union representative at this time. I was a steward for the union for about a year and a half.

Q And I notice that -- I think Mr. Carter did it very eloquently to express a lot of the feelings that the blacks have, and the inability for, say, certain officers or the majority of the officers at Attica or other institutions like Attica to communicate with you.

But if you are a representative of the union for the period of time that you were a representative of the union, it would seem to me that there is no communication even within our own ranks because if you worked twelve years or so in HBZ, even if it is the night shift and you are talking to your brother officers, it would seem impossible to me for that amount of time to transpire, no mention is made of showers and how often they take showers.
Maybe you just didn't feel like it was your responsibility to say it.

A I would like to talk about it. We just don't give showers from 11 o'clock at night until 7 o'clock in the morning.

Q I don't mean that. I mean like I am not -- right now I am sitting here in Rochester, you see, and I am a director of a program in New York City, you see. But there are ways that I know even now what is going on in New York City, because I am curious about it.

And as a union representative, and you representing a certain group of people, officers, it would be -- I think it would be incumbent upon you to know what their jobs are and what they do so that you could adequately represent them.

A I think I do and I did.

Q I had another question to ask you in reference to vacations. We were talking about working and men copping out, working in the steel mill or the iron mill over there, knocking out those lockers and stuff.

If a man works in that steel mill and which some men in that institution have 40 years, and which one was just in front of you to testify to, at what point does he earn a vacation?

A I really don't know. I don't think that the State
penal system has gone into vacations for inmates as yet. They are, as far as I know, they are thinking now of instituting some kind of a furlough system.

Q But you would negotiate for your union members to have a vacation?
A Certainly.

Q I asked the question because it seemed to me you were talking, the inmates were talking about being treated like animals, and I think this is a deviation that no consideration is given to the need for rest.

Five days a week of working, and which I am sure they work very hard, and yet still -- so I could understand a man going to the doctor and maybe becoming a hypochondriac under those conditions.

A I didn't say I couldn't understand it.

Q But if they do this, they are subject to disciplinary action?
A No, they are not.

Q They are not keeplocked if the doctor tells them to get out of there and he comes back?
A Not as far as I know. They have a right to go over and see the doctor if they don't feel they are well. I don't know of any cases where a man is keeplocked because he said he was sick.

Q No, because out of that comes other things. I am
saying if a man feels sick, I guess this is a state of mind very often.

A  Oh, yes, sure.

Q  And we can't really be sure whether a person is sick or not unless he has adequate examination.

A  I don't think that the doctor turns them away as a matter of course. I think the doctor takes some action but it would cause a doctor to be somewhat concerned with people who are -- who seem not to be ill, taking up the time that he should be spending on people who are ill.

I didn't say that he didn't treat them. He does.

Q  Is there any specific amount of time that the dispensary is open for people who -- is there any time that they report to hospital if they feel bad? Is it a certain amount of hours that they have?

A  If you have a headache, something of that nature, yes, but if you really feel sick and insist upon going to see the doctor, you go right then.

Q  You do have --

A  We call him in at night when somebody isn't feeling well, and we have two nurses in the institution at a time. We have a registered nurse and an inmate nurse who are both very capable, and if they feel that this man wants the doctor, he gets the doctor right then.

Q  I noticed another thing. I believe you when you
say you are in favor of rehabilitation, not just paying lip service to it, and yet -- and still it seems very strange to me that we would have ghetto blacks and Puerto Ricans come to Attica and the job assignment that they are very often given is on the farm, and I don't know where a farm is in New York City at all. I haven't seen one.

A These people that are assigned to the farm are assigned to a choice duty. You won't find too many men that are assigned to that farm that dislike their assignment.

As a matter of fact, the blacks and the Puerto Ricans insisted that they be assigned out on the farm in equal numbers, which they have been.

Q But it is not applicable to the future work, their future plans?

A I don't know. It depends on the man himself. He may be planning on being a farmer. He might be wanting to go out in the fresh air.

EXAMINATION BY MR. LIMAN:

Q There are privileges attached to the farm, including being out in the fresh air?

A Oh, yes.

Q I am not sure whether that came on, but I asked you whether there were privileges attached to being on the farm and that is what your answer to Mr. Henix was --
A. That is right, there are privileges attached to farm work.

Q. To clarify another subject you raised about when you go to the doctor if you have a headache, sick call is held in the morning; am I correct?

A. That is correct.

Q. If a man gets a headache in the evening, do you have discretion as a correction officer to give him some aspirins?

A. We call the nurse over, and the nurse examines him and gives him whatever he thinks he should have.

Q. Now, this is an inmate nurse or is it a --

A. No, this is a civilian, registered nurse.

Q. You have expressed some views and belief for more programming, more training, including training in understanding the people that you are dealing with.

A. That is correct.

Q. You also have been a union steward and you presumably talked to a lot of correction officers at Attica.

A. Yes.

Q. I think the public would be interested in your opinion as to whether you believe that the opinions that you expressed here today are shared by many correction officers.

A. Well, I believe so, yes. I think that my
opinions are shared with the majority of us.

Q You have been under these hot lights for a long
time and I don't know if there is anything that you have
left unsaid, but as the Chairman indicated, you do have a
right to make a statement.

A I think that everything -- all my feelings have
been pretty well covered and that I don't think any further
statement will be necessary.

MR. MC KAY: We thank you very much, Mr.
Goewey, for being with us.

THE WITNESS: Thank you.

(Witness excused.)

MR. MC KAY: Mr. Martinez, will you stand to
be sworn.

LUÍS ANGEL ROSE MARTÍNEZ,
called as a witness to testify and having been
first duly sworn by Mr. McKay, was examined and
testified as follows:

EXAMINATION BY MR. LIMAN:

Q Mr. Martinez, would you try to keep your voice up
so that everybody can hear what you have to say.

A Yes, sir.

Q Would you state your full name for the record.

A Luis Angel Rose Martinez.

Q And you are an inmate at Attica?