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Book Reviews

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BOOK REVIEWS

REVIEW ARTICLE

ATTICA: THE OFFICIAL REPORT

TOM MURTON*

ATTICA: THE OFFICIAL REPORT OF THE NEW YORK STATE SPECIAL COMMISSION ON ATTICA. By Robert B. McKay, Chairman et al. New York: Bantam Books, Inc., 1972. Pp. xl, 533. \$12.50.

Introduction

We have come to the conclusion, after close study, after much suffering, after much consideration, that if we cannot live as people, then we will at least try to die like men.

So declared one of the inmate spokesmen during the uprising at Attica in September of 1971. It is irrelevant how many included in the "we" concurred; it matters not that it was said to the cameras. That simple statement encapsuled the intolerable frustration of the slave trapped in an apparently hopeless situation.

The Attica inmates had crossed the threshold separating two unacceptable alternatives: to continue in inhuman conditions or rebel and risk death. It may well be that there is a point below which the human spirit refuses to sink further and, in one last desperate, floundering an agonizing cry, reaches upward in revolt in a vain effort to regain lost humanity.

The McKay report is a fascinating book which combines a variety of writing styles ranging from the staccato of a police report to the eloquence of literature. Although written as an investigative report, this treatise will stand on its own with sociology textbooks.

The Prison

Attica was created as a traditional prison during the era of the silence rule and remained essentially unaffected by even token reform efforts for decades. In 1971, there was "no meaningful program of education" and "idleness was the principal occupation." Staff members were neither equipped nor

trained to communicate with the inmates and did not consider it their duty "to understand or resolve inmate problems."

As in most prisons, when the official power structure fails to provide rudimentary goods and services, an informal system emerges. At Attica, laundry rackets were common, homosexuality was rampant, pornography and home brew were available from the other inmates. Inmates worked in the metal shops (which produced an annual profit to the state of \$150,000) for the paltry sum of 30¢ to 50¢ per day. Two quarts of hot water were delivered to each inmate every morning but only one shower was allowed each week. Food was inadequate and (according to the Commission) inedible in some instances. Inmates were allowed one roll of toilet paper every five weeks. The screen separating inmates from visitors was viewed as "senseless harassment and dehumanizing."

I have two children and during the entire time I was in Attica. . . I didn't have my children visit me. If they want to see an animal, they can go to the zoo.

Inmates were forced to silently march to work and to the mess hall with their hands at their sides. They were prohibited from possession of "droppers" (electrical food heating elements) although the inmate commissary sold items such as coffee, tea and soup which required heating. One of the mindless rules was a prohibition against chewing gum. Another denied the inmate clothing with any shade of blue because it was feared he "would impersonate an officer."

I could not have those three pair of (blue) shorts and one pair of (blue) pajamas because I violated security by having blue underwear nobody could see but myself. . . How can you tell a grown man that he is violating security by wearing a blue pair of shorts? They actually think we believe that. You know why that rule was made? For harassment and for harassment only.

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A departmental rule book for inmates, published in 1961 and revised in 1968, states "Ignorance of the rules will not be accepted as an excuse for violation." But "no rule books were distributed to Attica inmates after November 1970."

The Commission describes the apparent necessity for inmates carrying knives to protect themselves from homosexual assaults because correctional officers made little effort to prevent rapes.

[The inmates] perceived themselves surrounded by walls and gates, and tightly regimented by a myriad of written and unwritten rules; but when they needed protection, they often had to resort to the same skills that had brought many of them to Attica in the first place.

Reform Efforts

The New York prison system was re-organized pursuant to reform efforts in July of 1970. "The six prisons became 'correctional facilities' . . . and . . . old line correction prison guards awakened that morning to find themselves suddenly 'correction officers.' No one's job or essential duties changed, only his title." However, "to a man spending 14 to 16 hours a day in a cell being 'rehabilitated' . . . it was scarcely any comfort, and no reassurance, to learn that he was suddenly 'an inmate in a correctional facility.'" Russell G. Oswald was appointed as Commissioner of Correctional Services in January of 1971 and stated that his mission was "to give the whole system a new flavor." He did.

His first reforms were in procedures already under attack in the courts. He liberalized visiting and mail privileges, revised censorship and provided inmates greater access to the media.

Some older inmates saw Oswald as "a great reformer." Some of the younger ones perceived the changes as "costless placebos which . . . left the underlying, chronic conditions of imprisonment unchanged." Corrections officers saw him as a "do-gooder social worker" who was "pandering criminals."

New parole procedures were intended as a "beneficial reform to promote rehabilitation. Instead, it became an operating evil." The average time devoted by parole authorities to reading the inmate's file and interviewing him was less than six minutes.

In March of 1971, Oswald established a committee at each institution to review incoming publications for acceptability. But, "The former censor was designated chairman of the Attica media review committee."

In September of 1971, 60% of the Attica inmates worked at jobs maintaining the institution, 20% worked in the shops and 20% were divided between various educational and training programs. One of these "rehabilitation" programs was work release. Of the 2,243 inmates at Attica at that time, six participated in the work release program earning between 25¢ and \$1.00 per day.

In the spring of that fateful year, a group of respected inmates decided to form a committee to plan the annual 4th of July Independence Day celebration. Officers sat in on the several subcommittees since one of the stated purposes of the committee structure "was to break down the divisive influence of the cliques and to involve officers and inmates in a common enterprise." The recreational activity was so successful that it was decided not to disband six subcommittees but to have them study ways of improving prison living conditions.

The committees proposed a "constitution" and a plan to elect representatives from various segments of the inmate population into a single council. It was suggested that this group impose fines for rule infractions in lieu of discipline administered by correctional officers. "However, this proposal, as well as the entire concept of a constitution, was rejected by the correction staff."

But the inmates did not abandon efforts to seek peaceful change in the institution. "By the summer of 1971, an inmate-instructed sociology class in the school had become an informal forum for ideas about effecting change." There was a series of organized protests. An inmate manifesto setting forth moderate demands "including a commitment to peaceful change," was sent to Oswald and the Governor in July of 1971. Inmates had agreed to work within the system; had committed themselves to democratic procedures; and did not strike.

In a concerted peaceful lobbying effort over a period of months, they had been unable to effect even such simple changes as clean trays from which to eat in the mess halls, or more than one shower a week during the hot summer months.

While the sociology class stimulated ideas, there was no action component and it was disbanded for the balance of the summer in early August.

Oswald went to the prison on September 2nd intending to respond to complaints but was called away from the institution. Before leaving, he hurriedly taped a message for the inmates which was played over the intercom. "I am sure you realize that complete change cannot be brought about in

just a short time. . . . We will continue to strive for prison reform in a democratic manner."

I took my earphones off and all I could hear was earphones hitting the wall and people hollering. 'That's a cop-out, that's a cop-out,' because he didn't do nothing. All he said was 'Well, we would like to do this and we would like to do that.' He didn't so much as make one concession, such as giving a man soap or giving a man an extra shower. He did not make any concessions whatsoever.

The Commission later observed:

The rhetoric about rehabilitation could not, however, deceive the men brought together inside the walls. . . . For inmates, 'correction' meant daily degradation and humiliation. . . . Most inmates could take showers only once a week. . . . In the end, the promise of rehabilitation became a cruel joke. . . . the prison officials. . . . became accomplices in maintaining the fiction that maximum security prisons serve a useful purpose.

The only bright spots at Attica were two experimental programs available to less than 4% of the inmates. . . .

The New (?) Order

The riot "began as a spontaneous burst of violent anger" on September 9th. During the next four days there was a realignment of forces as two societies maneuvered for power. The result was a counter-riot by law enforcement officers which left eighty wounded, forty-three dead human beings and \$2 million damage to the facility.

Most of the inmates who later became leaders and spokesmen in the yard apparently "were not part of the first wave of violence and destruction." The Muslims (who were viewed with suspicion and distrust by the correctional officers) were "always well-disciplined and continued to protect the hostages."

After the original violence and the seizure of hostages, the inmates set about establishing an organizational structure to achieve their demands. They fortified their defenses, stockpiled medical supplies and rations, created a feeding operation and appointed a police force to maintain order.

"Spokesmen" (not leaders) emerged to lead the "democratic" revolt. The Commission reports that, "A frequent observation of inmates interviewed was that, in many respects, the inmates' society in D yard was arranged in the same way that the authorities, against whom they were rebelling, ran Attica."

A doctor who treated injuries in the yard later testified that: . . . those people (inmates) were fighting against a regimented society, a structured society that they felt they couldn't cope with and yet it was amazing in just a little three-day period they set up an artificially structured society of their own that was absolute tyranny.

There was a small group of men . . . between 12 and 25 maybe, that were really running the whole show and they had their so-called security guards which were really their working officers and the rest of the men in the yard were just peasants. They really had no rights and no voice and no anything.

So, instead of this democracy where everybody had equal vote, they established a dictatorship of their own and it was amazing how fast it came about.

This commentary calls to mind the evolution of class structure in "Lord of the Flies." Man is a creature of habit and if the world population is one day reduced to two people after Armageddon, there is little doubt that one will set about promptly to subjugate the other.

Historically, it is not uncommon that revolutionary movements which are successful in overthrowing the "bad guys" seems inevitably destined to adopt the trappings of the deposed enemy and immediately organize committees, write constitutions and create an alternative bureaucracy not unlike the one overthrown. With that day, the revolution falters because, as Pogo said, "We have met the enemy and he is us."

There was an immediate role reversal. The officer hostages were stripped of clothing in the initial take over. Obviously the hostage guards had no contraband but the ceremony served the need for revenge by subjecting the enemy guards to the similar degradation experienced by the inmates at the hands of the collective guard force. The negotiators were not stripped because they were presumed to be neutral. But they were subjected to a patdown search similar to the frequent yard searches inmates must endure routinely. After the prison was re-taken, another role reversal occurred as the task force stripped the inmates naked. This exercise was not only a role reversal but served the additional purpose of being an overt manifestation of presumed power. By the simple act of the searcher searching the searchee the class distinction and superior-inferior hierarchy becomes abundantly, if non-verbally, clear.

The McKay report reveals that "Attica" was not merely a riot which was suppressed with a loss of life. If one ignores the horror of the event and

views it as a Hollywood production, it takes on the characteristics of a Laurel and Hardy comedy. The errors in judgment, oversight and plain bungling from the outset are legion. If the Attica story were presented as action, it would be rejected by the reader as lacking credibility. It is difficult to believe that the monumental, cumulative stupidity surfaced without the benefit of an organized effort of some "Committee on Chaos."

The commission does not attempt to place blame on a single individual or event. This position is probably not taken for lack of evidence or culpability but simply because if you put all the participants . . . governor, commissioner, deputy commissioner, warden, correctional officers, police, some negotiators, inmates and pilgrims . . . together in a bunch, a 3-year-old child could heave a rock in any direction and strike an accomplice to the tragedy. (Two notable exceptions were the National Guard and medical personnel.)

Even though Oswald agreed to the twenty-eight demands, the crucial factor was that the inmates "would have to trust in the good faith of Oswald and the state to implement the reforms." Julio Carlos, one of the first inmates to be interviewed upon release subsequent to the riot, told of inmate reluctance to accept Oswald's word.

The first time he came in (to negotiate with the rebels), he told us a lie. We knew he wasn't gonna come through, that he was going to promise and promise and in a year's time he might bone up with a little better food and books.

This lack of trust in Oswald was the basic reason the inmates wanted Governor Rockefeller to come to the prison and publically endorse Oswald's promises. For Rockefeller presumably had more to lose and, as Oswald's superior, had the authority to enforce the promised changes. He declined to come even when urged by some of the negotiators. The Commission stated that "the Governor should have gone to Attica, not as a matter of duress or because the inmates demanded his presence, but because his responsibilities as the state's chief executive made it appropriate that he be present at the scene of the critical decision involving great risk of loss of life, after Commissioner Oswald had requested him to come."

The Counter Riot

During the rebellion, an amorphous group of laymen pooled their ignorance about prisons and

became an ad hoc negotiating team. There were over thirty members. According to Parkinson, that number is more than twice the maximum composition a committee can tolerate and still reach a decision on anything. The Attica negotiators confirmed that hypothesis. Some made speeches which raised hopes of the inmates over the amnesty issue (which was never a remote possibility); others basked in their own rhetoric; and others were simply overwhelmed. The role of the negotiators were never defined.

"Neither the state nor the observers ever gave the inmates a clear warning that an assault with lethal weapons was imminent." Nonetheless, most of the inmates later stated they were not surprised by the shooting. "If they're shooting white college students," one inmate said, "they certainly weren't going to spare a group of black convicts."

The Commission concluded that "The uprising constituted an insurrection against the very authority of the state, and to tolerate it was to concede a loss of sovereignty over the rebels." It was obvious (to most) from the beginning that this authority would eventually have to be re-instated.

In contrasting riot control procedures exercised by the state police on the streets of Rochester with that on the yards of Attica, Inspector John C. Miller told the Commission that (in Rochester) "we didn't consider them as criminals. They were *people*." (emphasis added). The inference, substantiated by the record of the state police assault, was that the inmates were *not* people. The Commission noted that ". . . the holding of human lives for ransom is wrong and only leads to more violence and to a back-lash that makes change more difficult." The immediate "back-lash" was observed during the counter assault when the police officers, sworn to uphold the law, vented wrath and vengeance under cover of the law. Inmate fears of reprisal action were justified by law enforcement officers using illegal means to "correct" them.

- There are many dimensions to the Attica event. One could discourse on Kunstler's raising inmate expectations, holding out for them the option of escape to a foreign country . . . when he knew that that option never existed. Or, one could comment on Dunbar's carelessness with the truth regarding the alleged throat-cutting and castration of hostages.

In deference to space requirements, it seems that the focus should be on Oswald. He had the power. He was in charge. Aside from his failure to act in

time and his erroneous belief that reform is a process of evolution, he made a rather serious error in judgment by negotiating from a position of weakness. The rebels demanded food and he gave them food. They demanded water and medical assistance and he gave them both. They demanded media coverage and he sent the TV cameras inside. They demanded he negotiate with them and he went inside. They made another 28 specific demands and he conceded on all points.

Yet the art of negotiation assumes a bartering atmosphere where each side compromises. And one expects to gain something when giving up something. There is some danger of speculating in hindsight but one wonders what would have happened had he agreed to each demand only upon the release of one more hostage. . . .

Oswald soon lost the respect of the inmates and, with that loss, Oswald forfeited his potential as a significant force in reaching resolution of the conflict. In the process, he also lost the respect of the correctional officers and the police agencies.

One also wonders if it ever occurred to anyone to consider the use of tranquilizer projectiles on the inmates. Such methods are used routinely in subduing large animals in zoos which are on the rampage, have escaped or need treatment of one sort or another. Perhaps if the zoo keepers had been called out to quell the disturbance, instead of the state police, forty-three men would still be alive.

An uprising in which inmates had demanded above all that they be treated as human beings thus ended with their being treated inhumanly . . . the only way to salvage meaning out of the otherwise senseless killings at Attica is to learn from this experience that our Atticas are failures. The crucial issues remain unresolved; and they will continue unresolved until an aroused public demands something better.

Or, one might add, until such time as prison administrators reject despotism as a lawless means to deal with the lawlessness of the outlaws.

Commission Recommendations

The Commission could not resist, and rightfully so, the desire to go beyond a mere description of the fact—finding and set forth seven recommendations for re-direction of Attica, in particular, and prisons in general. Four of the suggestions dealt with parole, volunteers, custody and parole. But, three of the principles were addressed to the heart of the problem . . . the prison environment only enhances further irresponsibility on the part of the inmate.

In composite form, the Commission's recommendations were:

If prisoners are to learn to bear the responsibilities of citizens, they must have all the rights of other citizens except those that have been specifically taken away by court order.

The central dynamic of prison life is the relationship between inmates and officers.

The programs and policies associated with confinement should be directed at elevating and enhancing the dignity, worth and self-confidence of the inmates, not at debasing and dehumanizing them. . . . Social responsibility should be thrust upon them, rather than discouraged, as it now is.

Thus, a group of laymen stumbled onto a basic truth of prison reform which has eluded the professional penologists for nearly two centuries: Since prisoners have irresponsibility in common, it would seem desirable to assist them in acting responsibly in order to interrupt the cycle of criminality. It is equally apparent to the casual observer that a dictatorship (the prison society) is probably not the best training academy for students of democracy. In fact, the "dirty old convicts" of Attica had similar thoughts in 1971 and started acting responsibly until the prison administration perceived the threat to its dynasty.

Epilogue

At the time of filing its report, the Commission pondered the question of what changes had occurred in the New York prison system within the first year subsequent to Attica.

Despite vows of reform, appointment of commissions, and visits by legislators and special committees, there was no improvement in conditions at Attica for months.

In March of 1972, the inmates were allowed to elect a liaison committee to establish ". . . a formal channel of communication with the institution concerning grievances and common problems."

But, the inmate grievance committee, while providing a forum for discussion of complaints, gave inmates no sense of participation in the important decisions affecting their lives.

Superintendent Mancusi resigned rather than implement this plan. By August of 1972, one half of the inmates on the committee had been transferred to other institutions, had quit or had been released from prison.

Less patient inmates began asking what had become of the 28 points to which Oswald had agreed

in D yard and began talking about their readiness to risk their lives once again if change did not come.

Conclusion

Mancusi, Dunbar and Oswald have resigned. Forty-three victims of Attica have been buried. The rumbles of dissent are heard once more.

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LAW ENFORCEMENT AND CRIMINAL JUSTICE: AN INTRODUCTION. By *Paul B. Weston* and *Kenneth M. Wells*. Pacific Palisades, California: Good-year Publishing Co., Inc., 1972. Pp. xii, 317. \$8.95.

Perhaps the most important observation to be made concerning this book is that it effectively fills a felt need. In the expanding field of criminal justice education, there is a marked scarcity of suitable course materials. All too often these consist of *Other Men's Flowers*, selected anthologies culled and arranged according to the purposes and prejudices of the editor. While such compilations are not to be sneered at, it is refreshing to read an originally authored approach to the vast terrain embraced by the title of the work under review. It is attractively presented, unpretentious and instructive; what more can be asked of a basic, introductory text-book?

The scope of the book is very ambitious; indeed, it might almost have been sub-titled, "Criminology from the legal perspective." It offers very much more than an overview of the criminal justice system, seen as a continuum from the police phase through corrections. A striking feature is the novelty of much of the subject matter, at least in the combination presented. It is a most unusual introduction that manages to cover, lucidly, causative factors in criminal behavior, the right to counsel, organized crime, crime and publicity, sentencing alternatives and a cost/benefits view of criminal justice as a system. Especially interesting is the presentation, as a chapter, of offender case studies, although it would have been helpful had the authors given some idea of the setting for which these materials were compiled and used. The chapter on corrections and rehabilitation is a well-stated outline of modern trends and goals and, in itself, a useful guide to a subject on which few really introductory materials exist.

Any review containing unalloyed praise must surely be suspect, but the few criticisms that follow are intended to improve a work which ought to look forward to a long and useful life in print. There

Thus, the cycle of misunderstanding, protest, and reaction continues, and confrontation remains the only language in which the inmates feel they can call attention to the system. The possibility that Attica townspeople will again hear the dread sound of the powerhouse whistle is very real.

are numbers of small proofing errors which mar a book of this cost and quality, some of which reflect upon the authors; Rickus (page 13), certainly did not live "as late as 1954" and what follows is, therefore, as incongruous as it is surprising. Some of the chapter illustrations, seem a little inapposite and one might wonder whether they have been transposed? On a more substantive level, criticism might be levelled at some of the sources selected for reference which are, presumably, intended to orient the reader desirous of pursuing studies in depth and to aid, as the authors put it, in "the development of a personal library in law enforcement and criminal justice." Some of these, even allowing for subjective prejudice, do not constitute the "best evidence," while others have been superseded by recent materials, more compatible with the work under review.

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ADVANCED STUDIES IN CRIMINOLOGY. By *Arthur N. Foze, M.D.* New York: Tunbridge Press, 1972. Pp. 91. \$4.75.

This slim volume contains reprints of ten of the author's papers which have been published since 1944 variously in *Corrective Psychiatry*, *Archives of Criminal Psychodynamics* and the *Journal of Criminal Psychopathology*.

Whether, as a collection or individually, these materials constitute "advanced studies" is a moot question. Most of the materials appear to be a series of disconnected philosophical musings and rambling observations about a variety of topics, frequently within the same article. For example, the lead article, "Attica and the United Nations," presents in sequence observations on Russia and Hungary, ancient Attica, the Medical Correctional Association, his hub caps being stolen, shop lifting, welfare violators, tainted government, crime statistics, newspaper headlines, riots, prosperity, areas of psychiatric interest, Supreme Court justices, the President of France, Benjamin Rush and the Declaration of Independence, twelve causes

of the Attica riot, the third world and ends with George Washington's will!

In fairness to the author, it should be pointed out that most of the materials were given initially as speeches, and as such, may have been presented for their dramatic effect rather than for scholarly content. As a basis for looking to see how far we have to go in criminology, this short collection gives us a reference point. For serious scholars of criminology, however, there is very little that this book has to offer.

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THE POLICE ROLE AND JUVENILE DELINQUENCY.

By *Richard W. Kobetz*. Gaithersburg, Maryland: International Association of Chiefs of Police, Inc., 1971. Pp. xiii, 264. \$5.00.

This book by the Assistant Director of the Professional Standards Division of the International Association of Chiefs of Police is a gold mine of information on the administration, organization and operation of police departments insofar as their role in the handling of juvenile delinquency, a relatively neglected area is concerned. It is an official publication of the Association and grew out of a nationwide survey and training project supported by the Youth Development and Delinquency Prevention Administration of the United States Department of Health, Education, and Welfare.

No police department can any longer plead lack of knowledge or absence of guidelines as a reason for retarded development of its juvenile functions. Here is a very practical and helpful handbook, full of guidance, advice and experience on which to draw. Though the pivotal role of the police in juvenile cases has long been recognized, the area has been neglected equally long. If anyone doubts the importance of the police in this area, he should remember that the police refer less than 50 per cent of cases to the juvenile courts.

Although not divided as such, the volume can be broadly conceived as having two parts: (1) a survey of prevailing philosophy and practice of juvenile

police work, and (2) instruction and guidelines for developing juvenile police work. The survey is based on a 73.9 per cent (1,471) return of questionnaires sent to 1,991 administrators of law enforcement agencies on the state, county and municipal levels. A wealth of information was garnered from the returns, giving what is doubtlessly the largest body of data extant on the practices and policies of juvenile police work. The states were conveniently classified into nine regions. There was good coverage on essential aspects of policies and practices in juvenile police work.

The chapter headings are an accurately descriptive index of the coverage: "The Nature and Extent of the Problem"; "An Examination of Contemporary Police-Juvenile Operations"; "Police Authority and Responsibility"; "Emerging Legal Considerations"; "Police Action in Juvenile Cases"; "Guidelines for Police Policy Formulation"; "Police Juvenile Units: Historical Development"; "Administration and Functions of Juvenile Units"; and "The Juvenile Officer and Community Relations."

There are six appendixes outlining curriculum and training programs for different levels of juvenile officers. There is a very good bibliography, a list of recommended readings, a table of cases and a table of charts.

Perhaps the weakest part of the book is the first chapter. The intent of this chapter is to relate juvenile police work to a sociological perspective. It seeks to look at social trends and changes, the relation between crime and society, theories of delinquency causation, cultural factors and so on as these affect juvenile police work. Only in a superficial way are these theoretical considerations brought to bear either in Chapter 1 or in the rest of the volume. In all fairness, it should be pointed out that, at present, no one has made a significant beginning in making such connections. On the whole, this is an important addition to the book shelves of juvenile police personnel.

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