

NEW YORK STATE SPECIAL COMMISSION ON ATTICA

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In the Matter of the

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Public Hearings

at

ROCHESTER, NEW YORK

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410 Alexander Street,  
Rochester, New York

April 14, 1972,  
10:00 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

PRESENT:

ARTHUR L. LIMAN,  
General Counsel

JUDGE CHARLES WILLIS,  
Deputy General Counsel

STEVEN B. ROSENFELD,  
Deputy General Counsel

DAVID ADDISON,  
Deputy General Counsel

ANDREW LIDDLE,  
Senior Investigator

JOHN CARTER,  
Deputy General Counsel

*Young -601*  
*Sowell -640*  
*Boothone -675*

HENRY ROSSBACHER,  
Deputy General Counsel

PAUL ROLDAN,  
Deputy General Counsel

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MR. MC KAY: The third day of the hear-  
ings of the New York State Special Commission on  
Attica is now in session.

Mr. Liman, will you introduce our first  
witness.

MR. LIMAN: Our first witness is Mr.  
Van Buren, and my colleague, Judge Willis, will  
conduct the examination.

MR. MC KAY: Do you wish the witness  
to be sworn?

MR. LIMAN: Yes.

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MR. MC KAY: Mr. Van Buren,

will you rise.

ROBERT VAN BUREN, called as a witness, being first duly sworn by Mr. McKay, testified as follows:

EXAMINATION BY JUDGE WILLIS:

Q Your full name is Robert Van Buren; is that correct?

A Yes, sir.

Q And you are the supervisor of the industrial shops at Attica?

A I'm what they call the industrial superintendent.

Q Mr. Van Buren, how old are you?

A 51.

Q Where are you from originally?

A Albany.

Q Will you tell me something about your training and background. What work did you do prior to coming to Attica?

A Prior to coming to Attica, I worked for Westinghouse for about 18 years and I held most of the supervisory positions at Westinghouse.

Q How long have you been at Attica?

A Since January of 1966.

1 Q How many metal shops are there at 518  
2 Attica?

3 A There are two metal shops.

4 Q Where are they located? If you can show us  
5 by using the map next to you.

6 A This is Metal 1, what we refer to as Metal 1,  
7 and this large building is referred to as Metal 2.

8 Q Is there another maintenance shop also there?

9 A We have a machine shop in our Metal 1 shop.

10 Q Where is that, upstairs?

11 A Downstairs.

12 Q And do you have any upstairs facilities?

13 A Yes, we have upstairs in Metal 1, right now we  
14 don't have, but we will have again. We did have.

15 Q I wonder if you would tell me or describe for  
16 me the operations of Metal 1 and Metal 2.

17 A Both shops produce the products--both shops can  
18 produce the same products. We have broken it down and  
19 in the Metal 1 shop we produce our library shelving,  
20 kitchen cabinets, bedside cabinets, typewriter tables.  
21 And in our other shop, Metal 2, we produce our shelving  
22 and lockers, tables and there is some other small items  
23 that we manufacture, such as transfer cases.

24 Q Mr. Van Buren, prior to this September incident,  
25 how many men were assigned to the metal shops?

1 A Approximately 450. 519

2 Q How many are assigned there now?

3 A About 130.

4 Q We will go back to before September of 1971.

5 What were the various job assignments in the metal shops?

6 A You mean such as a punch press operator, shear  
7 operator, steel handlers, spot welder operators, oxy-  
8 acetylene welders, assemblers, spray painters, metal  
9 treatment unit operator, craters, clerks.

10 Q Now, will you tell me what the scale or rate of  
11 pay of the men working in the metal shops is?

12 A Labor Grade 1, it's 25 cents. We have four  
13 labor grades. Labor Grade 1 is 25 cents and those are just  
14 porters.

15 Labor Grade 2 runs from 30 to 50.

16 Labor Grade 3, from 55 to 75.

17 And Labor Grade 4, 80 to a dollar.

18 Q Is there any structure for promotion of these men  
19 from one grade to another?

20 A Yes. Prior to the incident, we had a bid system  
21 whereby if a man wanted to get out of the grade that he was  
22 in, when we put up the higher grade jobs for bid and he  
23 could bid and based on his length of service and his abili-  
24 ty and his training there, why, he was promoted to the next  
25 higher job in grade.

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1 Q Let me ask you. We have heard previous 520  
2 witnesses talk or allude to the metal shops. Is assign-  
3 ment to the metal shop in the eyes of the inmate a de-  
4 sirable assignment?

5 A In some cases, no. In fact, I'd say probably in  
6 a lot of cases it isn't.

7 Q Is it, in fact, viewed by him as a punishment  
8 detail?

9 A Some of them have that view.

10 Q Let me put it this way: Are there any or many  
11 volunteers for assignment to the metal shop?

12 A Yes, there are.

13 Q Mr. Van Buren, I wonder if you could tell me,  
14 prior to September 1971, what the racial composition of  
15 the metal shop was in terms of percentages.

16 A It would be pretty hard, but I would say be-  
17 tween 75 and 80 per cent black and Puerto Rican and the  
18 rest were white.

19 Q Do you know if this percentage prevails in the  
20 other programs in the institution?

21 A I don't think it did in all of the other pro-  
22 grams because our ratio wasn't that far off.

23 Q In other words, there was a higher per cent of  
24 blacks and Puerto Ricans in the metal shop program than  
25 in the prison operation, generally?

1 A Correct. 521

2 Q Are you able to assess any reason for this?

3 A No, not really.

4 Q Do you think that because we did discuss that  
5 this was possibly an undesirable assignment in the eyes  
6 of the inmates, that this might be the result of either  
7 knowing or unknowing racial discrimination?

8 A Could be, but--it could be.

9 Q You don't have anything to do with the assign-  
10 ment of these men, do you?

11 A Well, we do have a program committee, but at  
12 that time it seemed like they couldn't handle everybody  
13 through the program committee and, consequently, they  
14 were assigned just to the metal shop, just because they  
15 were assigned to B-block.

16 If they were housed in B-block, they worked in  
17 the metal shop, whether they wanted to or not.

18 Q Which came first, the chicken or the egg?

19 A They were assigned to the block first and then  
20 because they were housed in the block--if they were housed  
21 in a company that was assigned to the shop, they were  
22 brought over to the shop for assignment.

23 Q So, it was pretty much predetermined that a man  
24 that was going to be housed in B-block would work in the  
25 metal shop?

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1           A     Except for the porter companies in           522  
2 the block.

3           Q     Now, you mentioned that there was some 450 men,  
4 I believe you said, that were assigned to the metal  
5 shops prior to September.

6           A     That's correct.

7           Q     Of these 450 men, how many men at any one time  
8 are actually working or have available work for them of  
9 that 450?

10          A     About 250.

11          Q     And what were the others doing?

12          A     Well, of course, some of them were out on various  
13 call-outs. Some of them were just standing around the  
14 shop, because we just didn't have any work for them. Only  
15 one man can run a machine. Two men at the most can work  
16 on an assembly bench. We did make porters out of there.  
17 They had work for a small amount of hours during the day,  
18 but not enough to keep them busy all day long.

19          Q     We have heard from other witnesses and through  
20 our interviews that one of the reasons that the metal shop  
21 assignment was undesirable was because there was at least  
22 rumors that there were questionable deviate or illegal  
23 activities possibly going on in the metal shops because  
24 of the large numbers of men and because of the number of  
25 idle men.



1 Do you know if there is any truth to 523  
2 that?

3 A Not that I know of.

4 Q Have you heard of any rumors of any gambling  
5 or homosexual behavior or even dealing in illegal ac-  
6 tivities in the metal shop?

7 A No. I think that gambling probably goes on all  
8 over the institution in some form or another, so no doubt  
9 it probably did go on in the shop. I personally didn't  
10 know of it.

11 Q You did not hear any rumors of this kind?

12 A No.

13 Q How would you assess the motivation of the major-  
14 ity of men working in the metal shop? Do you feel they  
15 were highly motivated?

16 A That's a tough problem. Motivating the people  
17 is probably one of our hardest jobs. When we motivate a  
18 man, get him to be a little interested, the job becomes  
19 easier because we have trained people that can show our  
20 employees how to do a job, how to do it properly and  
21 safely.

22 But motivating them is the hard hob, especially  
23 when you get a man assigned that just don't want to be  
24 there.

25 Q Would it be a fair statement to say a large per-

1 centage of themen are not highly motivated? 524

2 A A large percentage aren't highly motivated.

3 We do motivate quite a few.

4 Q What kind of equipment do you have there, Mr.  
5 Van Buren? By that I mean, is the equipment sufficient  
6 to do the job that you have the men do?

7 A Our equipment is very good. A lot of our equip-  
8 ment is brand new. It's expensive equipment and it's  
9 good equipment. We do have some used equipment and all  
10 of our used equipment is repaired and in A No. 1 condition.  
11 Whatever used equipment we have is good as it possibly can  
12 be.

13 Q Do you think that the men working in the metal  
14 shops can acquire skills from the work in the shop, skills  
15 that are usable on the outside?

16 A I certainly do.

17 Q And do you feel that there is a good job poten-  
18 tial for men who are skilled in the use of the equipment  
19 you have in your shops?

20 A Yes.

21 Q In fact, how effective is your job training pro-  
22 gram? I'm talking about in terms of the effectiveness  
23 with the inmates.

24 A Well, I think we know that we have good operat-  
25 ors. Whether they all get jobs on the outside, that's

1 something we know nothing about. We don't get 525  
2 feedback from parole or anybody else. About the only  
3 feedback I get is maybe once in a while somebody will  
4 call me up and say, "Do you have any more men like so  
5 and so? He is a great man." Other than that, I don't  
6 know.

7 Q Mr. Van Buren, are the inmates informed by any  
8 one of the job potential or the skills that can be acquir-  
9 ed from work in the metal shop?

10 A We try to do this on our Program Committee  
11 when we first interview the people. The foremen also try  
12 to do this when the man first gets assigned to the shop.

13 Q Are the parole people, people from the Parole  
14 Board or the people assigned to the institution in the  
15 Parole Commission, do they at all coordinate with the  
16 metal shop program? That is to say, say a man has an  
17 open date, does the Parole Board or the Parole Commission  
18 personnel work with the metal shop in order to try and  
19 place a man, a man who, say, is about to leave the insti-  
20 tution?

21 A I don't know whether they try to place him or  
22 not. About the only thing we do is send a report in on  
23 the man as to his ability, to get along with people, his  
24 training, how well he does his job, this type of thing.

25 Q But there is no active coordination?

1           A     That's all we do is send a report over     526  
2 to the Parole.  What happens after that, I don't know.

3           Q     Do you know if there is any counseling by  
4 anyone of the inmate assigned to the metal shop as to  
5 acquiring work habits and the work of your program?

6           A     Just through the foreman.

7           Q     Speaking of the foreman, actually what are the  
8 number of people on your staff--I'm talking about  
9 civilian or key personnel?

10          A     Right now I have 12 foremen.  Five civilians in  
11 other jobs, such as the accounting people.  I have a  
12 trucker.  We have our own truck.  I have an assistant  
13 and a stores clerk and then there are five correction of-  
14 ficers and a correction sergeant assigned to the Industri-  
15 al Department.

16          Q     What are they assigned, for security purposes?

17          A     Yes.

18          Q     How are these people selected, the civilian  
19 employees, to work in the metal shop?

20          A     Through civil service.  All of the jobs in my  
21 department are through civil service.

22          Q     These are people off of civil service lists?

23          A     Right.

24          Q     Generally, do you know if these people are from  
25 around that area, the Attica area?

1           A     I would say most of them--not neces-           527  
2 sarily from Attica. Let's say from a radius of 40 miles,  
3 50 miles.

4           Q     You did say that upwards of 75 per cent of the  
5 inmates assigned to the metal shop are black or Puerto  
6 Rican. Are there any black or Puerto Ricans on your  
7 staff?

8           A     No.

9           Q     Is there anyone on your staff who speaks  
10 Spanish?

11          A     No, there is not.

12          Q     Has there been any attempt to recruit people  
13 of these two ethnic backgrounds to work in the shop?

14          A     Not to my knowledge.

15          Q     Do you think it would be helpful?

16          A     Yes, I do.

17          Q     And would you recommend that this might be  
18 helpful in carrying out your programs?

19          A     I think it would be.

20          Q     I wonder if you would tell us, Mr. Van Buren,  
21 about the working conditions in the shop. First of all,  
22 what are the number of hours that a man works in the  
23 shop?

24          A     The man comes in at 8:00 right now and he leaves  
25 about five minutes after 11:00. Then he comes back in at

1 1:00 o'clock and he leaves about 2:40.

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2 Q So, we're talking about perhaps four hours and  
3 45 minutes at most, five hours?

4 A At most.

5 Q Do you think that this is enough time for a man  
6 to develop good work habits?

7 A No, I do not.

8 Q Do you feel that it should be a longer workday?

9 A Yes, I do.

10 Q Commensurate with that, do you think perhaps a  
11 man should be paid more?

12 A Well--

13 Q What I am trying to say is, what do you think  
14 the incentive for a longer workday would be to motivate  
15 a man to want to work longer than these four to five  
16 hours?

17 A If he worked a longer workday, yes. Our cost  
18 structure is based on the wages we do pay. If a man works  
19 longer--in fact, we do work employees on an overtime  
20 basis at times and we pay them time and a half for working  
21 beyond their regular day or if they work on Saturday.

22 Q So, you feel that really to develop a man and  
23 develop a man, say, who has maybe marginal work background  
24 and perhaps poor work habits, you feel that a five-hour  
25 day is really not enough time?

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1 A That's right.

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2 Q Now, would the work in the metal shop be con-  
3 sidered dirty work, that is, work that would cause you  
4 to get sweaty and tired?

5 A Some of the operations, yes. A painter, that's  
6 a dirty job. Although our equipment is modern, we have  
7 modern paint spray equipment, there is some paint involv-  
8 ed that a man would get more dirty in that operation.  
9 Our steel handlers, the people that unload and load  
10 trucks, their job is a little dirty.

11 The assemblers, I would say no. A lot of the  
12 jobs that's not so.

13 Q During the warm weather, have you any air con-  
14 ditioning there?

15 A No. We do have air makeup units. All of the  
16 air that's drawn out from the various equipment, such as  
17 our bake oven and our spray groups, is replaced with these  
18 air makeup units.

19 I might add that when the temperature gets to be  
20 90, we close the shop down.

21 Q Is that outside or inside?

22 A Inside.

23 Q Are there any showers available to the men work-  
24 ing there?

25 A Not in the shops.

1 Q So that those men who are doing the  
2 really perhaps sweaty work probably--do you know, inci-  
3 dentally, how many showers the men do get?

4 A Right now they get two a week.

5 Q Do you think--go ahead, sir.

6 A The showers are taken during their workdays and  
7 like in the afternoon. Instead of coming back to the  
8 shop, they get their showers two days a week. We lose  
9 that time that they are gone for showers, which amounts  
10 to just about the whole afternoon.

11 Q Do you feel that--do you have showers in there,  
12 in the metal shops?

13 A No, we do not.

14 Q Do you think it might be a helpful innovation  
15 if they added showers there?

16 A In the shops?

17 Q Yes.

18 A I would rather see the showers in the cell  
19 blocks, on each gallery.

20 Q What is your feeling about two showers a week  
21 and doing this type of heavy work; do you think that  
22 should be increased?

23 A If it were possible. I have nothing to do with  
24 the control of the institution facilities, but if it were  
25 possible for them to have more showers, I think it would

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1 be fine. At least he should be given the 531

2 privilege of taking more showers, if he wants.

3 Q Not to be glib, Mr. Van Buren, but in the areas  
4 where the heavy work is done, I would imagine some time  
5 near the third or fourth day between showers, it might be  
6 rather fragrant in there, isn't it?

7 A Well, I have to say this: On our steel crew,  
8 prior to our problems we did manage to get these people  
9 extra showers. They were a small crew and the officers  
10 took them back early and they got a shower, but this  
11 shower was taken in the block, not in the shop. But  
12 even so, what you say--

13 Q All right, fine. Mr. Van Buren, I would like  
14 to explore the area of the economy of the metal shops.  
15 Who are the customers serviced by the metal shop?

16 A Any state agency. Any state agency buys from  
17 us. In fact, they are obligated to buy from us, unless  
18 they get a release from Prison Industries.

19 Q So that you service only state agencies?

20 A No. We do also sell to high schools, towns,  
21 counties, municipalities.

22 Q How are these customers acquired? Do you have  
23 people doing marketing or sales or retailing or drumming  
24 up trade?

25 A We do have a couple people on the staff in Albany

1 that do try to increase our business and also 532

2 we have catalogs that are sent out to the various pur-  
3 chasing agents or stewards throughout the state.

4 Q And at present, or let me say just prior to  
5 the September occurrences, was the metal shop being  
6 operated at a profit?

7 A Well, just prior, our workload dropped. We  
8 just didn't have the volume of work that we needed prior  
9 to that, but the year before?

10 Q Yes.

11 A Was a very good year.

12 Q And do you know--I had figures here saying that  
13 with the fiscal year ending on March 1971, sales were  
14 \$1,248,758, and profits \$144,717. Are they accurate  
15 figures?

16 A That's the year 1970 you quoted.

17 Q Yes. How about the year 1971?

18 A 1970-71 our sales were \$1,313,368 and our profit  
19 was \$102,000.

20 Q Was this always so? When you first came to the  
21 program, were the shops operating at a profit?

22 A No, they were not.

23 Q They were operating at a loss?

24 A Yes.

25 Q And now its at a profit. Do you feel this is

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1 an improvement?

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2 A I certainly do.

3 Q In other words, one of the purposes for the  
4 shop is if possible to make a profit?

5 A If we don't make a profit, we don't exist.  
6 How will we get money for the new equipment?

7 Q The equipment doesn't come from the state?

8 A No. Our funds are separate from the state  
9 funds. All of the Prison Industry funds are one--

10 Q That was going to be the next question and that  
11 question is, are the profits earned in the metal shop  
12 turned back into the Attica industrial program?

13 A No. The profits, all the moneys go to the  
14 general fund for the Division of Industries.

15 Q And that's throughout the state?

16 A And that's throughout the state and from there  
17 each unit requests what they need for new equipment.

18 Q And that's how these profits are used for new  
19 equipment throughout the state system?

20 A Right.

21 Q So that if, say, you're operating at a profit  
22 and, say, another facility, let's say at Clinton, is  
23 operating at a deficit, your program might suffer as a  
24 result because you are not getting back that profit, it's  
25 being spread out, so to speak?

2 least the other outfit would be helped.

3 Q What are your feelings about--what would you  
4 like to see done with the profits that come from the  
5 work at the Attica industrial shops?

6 A Well, I would like to make sure that some of the  
7 profits reverted back to our own operation, because that  
8 would insure that we could keep our equipment up and buy  
9 new equipment. Maybe there is new machines we would like  
10 to put in, new products. Although I haven't had any  
11 trouble getting what I have wanted. I must say that.

12 Q Mr. Van Buren, you spoke earlier of among some  
13 of the men the lack of motivation to work and I'd like to  
14 ask you this based upon your prior testimony concerning  
15 the number of idle men, the punishment character of the  
16 assignment, at least in the minds of some of the men,  
17 the low wages as compared to, say, some of the more de-  
18 sirable jobs, the lack of shower facilities, the lack  
19 of coordination, say, with the parole program and the  
20 absence of real job counseling in the program and such  
21 other factors, say, as maybe the previous environmental  
22 factors which might have contributed to the man being in  
23 Attica--don't you believe that a lack of motivation might  
24 be a predictable result?

25 A Yes.

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1 Q And also, based upon those same

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2 testified to factors plus the limited effectiveness of  
3 job training, that is, you have so many men and just not  
4 enough jobs for them to do and the limited numbers of  
5 persons who are acquiring skills, that is, all of them  
6 can't possibly acquire skills, they don't have material  
7 and equipment available to them, and the fact that the  
8 profits are not used to maintain and improve Attica, it-  
9 self, do you believe that there is any really meaningful  
10 rehabilitation for the inmates working in the shops?

11 A Well, when you say "rehabilitation," I don't  
12 think you can force something down a man's throat. If  
13 he doesn't want to operate a machine or if he doesn't  
14 want to work at a specific job, I don't think that you  
15 can make him. I mean, he might go through the motions,  
16 but he certainly isn't going to learn a great deal. May-  
17 be some will rub off, but I don't think much.

18 Q How do you think a man becomes rehabilitated?

19 A I think he is going to have to want to inside.  
20 You get this and--all we can do is give them the tools  
21 to work with and the training to work with, so that when  
22 he does get outside, he can live like anybody else.

23 Q Would it be fair to state that many of the men  
24 who are in there are in there because they haven't been  
25 able to perform or haven't been able to adjust to the

1 environmental factors of the outside?

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2 A That's right.

3 Q And would you believe that motivation for re-  
4 habilitation would have to come perhaps not from within,  
5 these people haven't been able to motivate from within,  
6 do you feel that counseling services about the job, con-  
7 centrated counseling services to show these men the value  
8 of the work program might be something needed?

9 A That, and I think even more.

10 Q What more?

11 A I think maybe they--maybe these psychiatrists  
12 and psychologists can help these people. I mean our job  
13 is training them in a specific job and this, we can do.

14 Q So, you feel that prior to their assignment to  
15 your program, it might be a good idea if they at least  
16 have some, if not psychological testing, at least some  
17 counseling?

18 A Right.

19 Q Does it appear to you that more emphasis is  
20 placed on production and increasing profits than on the  
21 training and rehabilitation of the men? Where would you  
22 say the biggest emphasis is? What is your--

23 A Our basic job is to train these people. Along  
24 with it, if you have a good training program, your pro-  
25 duction falls right in line.

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1 Q In other words, you feel that if a man is  
2 well trained, that the profits would increase?

3 A That is correct.

4 Q But you put the emphasis more on the training  
5 than on the profits?

6 A Basically, that's our job, to do the training.  
7 But we have to make a profit as well.

8 Q Mr. Van Buren, if able to do so, what recom-  
9 mendations or changes would you institute in the shop?

10 A Well, I will tell you one thing I would like.  
11 I think we should have a job placement service. I would  
12 like a man that works in our shops that was familiar with  
13 our operation, that could go to the outside and talk to  
14 prospective employers to see what his requirements are,  
15 bring these people in and let them see what type of jobs  
16 we can train these people for. And then, actually, we do  
17 something about getting them jobs.

18 I mean, we can tell them, "Boy you learn this  
19 and everything will be fine. You will be able to go out  
20 and get a job."

21 Well, if he doesn't, then everything we have  
22 done is for nothing.

23 Q Are you saying that at present no one from  
24 industry does come in to help in this training?

25 A That's right. They are not familiar with our

1 operation, they are not familiar with what  
2 we can do. Sure, we can tell them we have a good press  
3 operator, he can set up as well as operate. Actually,  
4 the man does his own job. Our employees write and ask  
5 for jobs, apply for jobs, but I don't know of anybody  
6 else that gives them help.

7 Q In other words, that's not part of your pro-  
8 gram to help---

9 A That's not part of our program. I think it  
10 would be a good idea if it were. If we would have a  
11 little more something to offer, maybe this would motivate  
12 them a little more to work.

13 Q Have you--these recommendations, have you made  
14 them to the administration at all? Not this particular  
15 one, but some of the other ones.

16 A I've got some more.

17 Q Let me hear about those.

18 A I would like a full eight-hour day. I realize  
19 that there is a lot of things that go on in the institu-  
20 tion that prevent this, but I would still like it.

21 I would like control over the number of people  
22 that are assigned to the shop.

23 Q You feel presently there are too many or at  
24 least at the time you spoke about prior---

25 A Now that--

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1 Q I mean prior to September when things 539

2 were normal.

3 A I did not have control over the number of  
4 people in the shop.

5 Q You felt there were too many?

6 A That's right.

7 Q So you would like to have better control over  
8 there?

9 A I think I am better able to determine how many  
10 people we can train with the equipment and with the  
11 facilities that we have. I think we could have a work  
12 release program for installation of our own products.

13 And, also, a little more vestibule training  
14 than we do have. We have one training program in our  
15 machine shop where we have a vocational instructor. He  
16 gets a small group of people, teaches the rudiments and  
17 basics and they are turned over to my machine shop fore-  
18 man who further trains.

19 If we could have something like this in our  
20 metal shops--we did have something prior to the riot, but  
21 it was not quite as convenient as I wanted it. I would  
22 like a small area in our shop where we could teach a man  
23 how to read a rule, basic math, rather than leave all of  
24 this up to the foreman. If the foreman has to do all of  
25 this with each and every man, he doesn't have the time to

1 do it. And I think a course of human relations 540  
2 training would be good.

3 Q You would like to have perhaps black and Puerto  
4 Rican persons working on your staff?

5 A I don't care what they are. If they are quali-  
6 fied to do the job, that's all that's necessary.

7 Q Have you made any of these recommendations to  
8 the administration?

9 A Yes. We have talked about some of these, a  
10 good share of them.

11 Q When did you last discuss this with the admini-  
12 stration?

13 A Prior to the riot and shortly afterwards.

14 Q Have these recommendations been acted upon?

15 A I think some of them are being considered.  
16 The wheels of progress turn very slowly.

17 Q Have any of them been implemented?

18 A Well, the shops are not being overloaded. I  
19 do have control, at least at the present, the number of  
20 people that we have in the shop. In fact, right now we  
21 need more. They are running through the Program Com-  
22 mittee, which is one of the things that I would like to  
23 insist on. This is, at least, the initial interview,  
24 these people before they are assigned.

25 There, you can find out what they do want to do,

1 whether they are interested in a program such as 541  
2 what we have to offer more than any other program in the  
3 institution. I would like them to go through this be-  
4 fore they are assigned.

5 Q Isn't, in fact, the reason why you have more  
6 manageable numbers working for you, in fact, more because  
7 close to half of the men have been transferred?

8 A That's right.

9 Q Rather than a change of, on the part of the  
10 administration that they want to give you---

11 A No, no. That's not---the fact that we do have  
12 less people there is one reason, but the administration  
13 has agreed to let us control the number of people in the  
14 shop.

15 Q In other words, you believe that if at any time  
16 the institution gets back 2000 or more men, they will  
17 control the numbers of men coming into your program?

18 A I hope so.

19 JUDGE WILLIS: I have no further ques-  
20 tions right now.

21 I wonder if the members of the Commission  
22 have. Dean McKay?

23 MR. MC KAY: There may be some questions  
24 from the members of the Commission, but I want to be  
25 sure, first, you understand you are entitled to make

1 an independent statement, if you wish, not 542  
2 in response to questions which you can do now or at  
3 the conclusion of whatever questions there are.

4 THE WITNESS: I don't think so. If I do  
5 it, I will do it at the end.

6 MR. MC KAY: The Commission questions  
7 will be initiated by Mr. Rothschild.

8 EXAMINATION BY MR. ROTHSCHILD:

9 Q Mr. Van Buren, when you talk about numbers  
10 within the metal shop, is it--my understanding is that  
11 the metal shop is the only agency within the institution  
12 that has an outside constituency, that your production  
13 goes out of the prison. So that the people who aren't  
14 employed by you are in a sense must be involved in tak-  
15 ing in one another's laundry or maintaining the inside  
16 of the institution.

17 Is my assumption right?

18 A There are various other jobs throughout the  
19 institution.

20 Q But they all are within the housekeeping in  
21 a sense of the institution, itself?

22 A Right.

23 Q You are the only one who has an outside con-  
24 stituency in a sense?

25 A Right.

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1 Q So that as they reduce the numbers  
2 that you have, how do they absorb those people else-  
3 where?

4 A That's a problem. I could never give them a  
5 good answer to what to do with the people that--the  
6 excess people I had in the shops. Consequently--

7 Q So, there are more people in the laundry and  
8 more people per square foot of floor to be mopped, I  
9 guess. Is that accurate?

10 A There are only so many jobs. If you have too  
11 many people for them, you are overloaded wherever you  
12 are.

13 Q The only other institution I know anything about,  
14 I was at Clinton, went through the textile shops there.  
15 They operate on a piecework basis, I think.

16 Does this do anything--Judge Willis talked  
17 about motivation and whatnot. Is that something that  
18 helps in making the job more attractive to the inmates  
19 and certainly gets them more interested in production?

20 A Yes. We have one operation that we do work  
21 on a piecework basis and these people do--they want more  
22 money and that's the way they get it. They work harder  
23 for it. But to put our whole shop on a piecework basis  
24 is too hard for us to administer, because we have too  
25 many parts.

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1           Q     The thought you mentioned about job           544  
2 placement and running such a service, what would be in-  
3 volved in supplying--it's a terribly constructive thing,  
4 the problems of inmates getting employment after they  
5 leave the institution. What would be involved in doing  
6 that? Would it involve someone in the shop to take that  
7 responsibility of being an industrial liaison man on the  
8 outside?

9           A     I think you have to have a man that's industri-  
10 ally oriented. So that he knew what he was talking about.  
11 He would have to go out and contact these prospective  
12 employers and talk to them and convince them that we  
13 do have people that are qualified.

14          Q     In a sense, it really might only mean one  
15 person?

16          A     Could very well be only one person.

17          Q     I just wondered, because it doesn't seem like  
18 a horrendous request in a sense.

19          A     There would be one person in each institution  
20 is what I'm saying. The people that would sell my em-  
21 ployees' skills would work out of Attica.

22          Q     I have one other question. There has been a  
23 great deal of talk and discussion in these hearings about  
24 the problems of rehabilitation within an institution. You  
25 are an industrial manager in essence, if I understand it,

1 your training is that and obviously you have 545

2 considerable expertise at it.

3 A That is correct.

4 Q To what degree is your responsibility that of  
5 running a factory and to what degree is it running a re-  
6 habilitation organization, which is a totally different  
7 business, and as one that comes out of the business world,  
8 that sounds like a schizophrenic assignment, unless, in  
9 fact, that is assigned.

10 A That's difficult. About the best way--I am  
11 responsible for the complete operation of the industrial  
12 operation. There, again, when you talk about rehabili-  
13 tation, we do the best job we can to rehabilitate these  
14 people and my foremen do talk with them and counsel them.  
15 If they have any questions. But there, again, usually  
16 most of their questions are concerned with their work.

17 If a man is having trouble, maybe he will go  
18 over and try to find out what his problem is. In most  
19 cases they can't handle it, so they refer them to the  
20 service unit, to the chaplains or tell them to drop a tab  
21 down to the Deputy Superintendent.

22 This is about the best we can do. We have a  
23 big operation and the foremen have many duties besides  
24 their training duties with the inmates.

25 Q Let me just pursue one more step. It would

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1 seem almost, I would think, unrealistic to 546

2 expect major psychological input as a counterpart to run-  
3 ning an industrial factory. Isn't that in a sense some  
4 of the conversations about what rehabilitation means, is  
5 asking of you?

6 A I suppose in a sense it does.

7 MR. ROTSCCHILD: Thank you.

8 MR. MC KAY: Mr. Henix, have you ques-  
9 tions?

10 MR. HENIX: Yes.

11 EXAMINATION BY MR. HENIX:

12 Q Mr. Van Buren, in our examination of Mr.  
13 Goewey yesterday, he said that there was a union for  
14 the officers.

15 Is there a union for shop supervisors?

16 A They belong to the CSEA.

17 Q I would like to ask you another question. It  
18 was posed again to Mr. Goewey. Do you take vacations?

19 A Do I take vacations?

20 Q Yes.

21 A Yes, I do.

22 Q You are entitled to vacations?

23 A That's correct.

24 Q How do you feel about the fact that no in-  
25 mates are entitled to a vacation at this point in time,



1 no matter how much time he has done in the 547

2 institution, ten years up to this point and ten years  
3 to go, perhaps; how do you feel about that?

4 A Well, one of the things that bothers me is the  
5 number of interruptions that we have during the day. When  
6 a man takes his shower, he is gone. When he gets his hair  
7 cut, he is gone. When he has an interview with the  
8 chaplain, he is gone. When he has an interview with the  
9 service unit, he is gone. And our day is short enough  
10 as it is. And to take him off for all these other things,  
11 I really haven't considered vacations.

12 Q I am just speaking of years. Years and years  
13 of time, and I know, being a person who has worked at  
14 Attica for six years, you are aware of how, actually, on  
15 a map Attica looks very different as it does when you  
16 are inside of it.

17 A That's correct.

18 Q If a man actually, for whatever reasons, has  
19 worked in the shop for years and year, I'm saying that  
20 in any given year you say to him, as an inducement to  
21 attract more people to your work, that he is entitled to  
22 one week vacation--does that sound like reasonable? I  
23 don't say the whole shop at one time. Of course, you  
24 could rotate it or you could set up a system where it is  
25 possible for a man to rest and reflect.

1           A     It could be, but then, again, this           548

2 would be would be something that I wouldn't have any  
3 control over.

4           Q     I did not think so. I was only posing that as  
5 a question, because it seems that I think one of the  
6 problems here that our society has is in forgetting that  
7 the inmate is a human being. And that he has to have  
8 earnings.

9           A     Yes. We shut our shops down for the world  
10 series. That's a small thing, but we do shut the shops  
11 down so they can go out in the yard and see the world  
12 series.

13          Q     That's a half a day, isn't it?

14          A     Right. It's not a great deal, but it's some-  
15 thing.

16          Q     I would like to ask you another question. Are  
17 you aware that the industries in the federal institutions,  
18 that a man can earn, doing the same type of work that's  
19 being done in your metal shop, at Lewisburg, a man can earn  
20 up to \$70 a month more?

21          A     No, I don't know this. I don't know anything  
22 at all about the federal prisons.

23          Q     This is true. Just for doing the same type of  
24 work. Perhaps they have better outlets. But the thing  
25 in addition to that, I also am aware that the federal

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1 government has a lot more money.

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2 My other question is in line with rehabilita-  
3 tion, the question was posed by Mr. Rothschild as to  
4 the schizophrenic personality of any work medium where  
5 you would have to deal with industry, production and  
6 also rehabilitation. I would feel or would you consider  
7 the possibility of the state supporting the shop with  
8 people who are trained in, say, work behavior and be  
9 able to interpret from the work that the men are produc-  
10 ing and the attitudes of the men that are producing this  
11 work, when they do need help in this area right on the  
12 spot so they can point out to this person, "Look, this  
13 is what you're doing. What does it mean to you?" And  
14 begin to really practice rehabilitation within the shop,  
15 itself.

16 A There would be nothing wrong with that.

17 Q Rather than put the responsibility on you.

18 It seems you are up there, you are the whole thing, and  
19 I am saying I think that it could be helpful if the state  
20 would use some of the money in order to put other  
21 personnel in the shop who are trained in this area.

22 A Could be. Could help a great deal.

23 MR. HENIX: Thank you.

24 MR. MC KAY: Mr. Van Buren, I would like  
25 to ask just one more question.

1  
2 not your responsibility and it really isn't the  
3 responsibility of anybody in the institution, but  
4 I'm sure, also, that you must be very concerned  
5 about the welfare of your graduates, if I may so  
6 call them.

7 Over the six years you have been a super-  
8 visor, I assume that some hundreds of people who  
9 have worked in your shop and had some skills have  
10 left the institution.

11 Do you have any idea how many of them  
12 received first jobs in which they used the skill  
13 that they used within the institution, at all?

14 THE WITNESS: No, I can't give you that  
15 information. I don't know.

16 MR. MC KAY: Is there any way we can get  
17 that information?

18 THE WITNESS: I don't know. About the  
19 only way I know you could possibly get it would be  
20 through parole.

21 MR. MC KAY: So there is no placement,  
22 there is no followup, and no record of what they do  
23 in relationship to the skills they have in the  
24 prison?

25 THE WITNESS: I don't say there isn't

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1 any. I don't know of any.

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2 MR. MC KAY: Thank you. I am advised  
3 by the other members of the Commission that there  
4 are no further questions.

5 Am I correct?

6 So---and you do not wish to make a state-  
7 ment?

8 THE WITNESS: I do not think so.

9 MR. MC KAY: We are very grateful to  
10 you for giving us your time and your complete co-  
11 operation.

12 (Witness excused.)

13 JUDGE WILLIS: I would like to call the  
14 next witness. Mr. Robert Ternullo--Mr. Paul  
15 Ternullo, I am sorry.

16 You are Paul Ternullo?

17 MR. TERNULLO: Yes.

18 JUDGE WILLIS: Please remain standing  
19 so you can be sworn.

20 P A U L T E R N U L L O, called as a witness, be-  
21 ing first duly sworn by Mr. McKay, testified as  
22 follows:

23 EXAMINATION BY JUDGE WILLIS:

24 Q How do you pronounce your last name?

25 A Ternullo.