

1 MR. MCKAY: Thank you very much 736

2 for making yourself so freely available to us today.

3 We appreciate it.

4 THE WITNESS: Thank you.

5 (Whereupon, the witness was excused.)

6 JUDGE WILLIS: Mr. Germain, do you want

7 to stand to be sworn, please.

8 A L T O N G E R M A I N, called as a

9 witness, being first duly sworn, testified as

10 follows:

11 EXAMINATION BY JUDGE WILLIS:

12 Q Your name is Alton Germain?

13 A That is right.

14 Q And you are a teacher in the education program  
15 at Attica, is that so?

16 A That is correct.

17 Q And you are what is known as a civilian em-  
18 ployee?

19 A That is right.

20 Q How old are you?

21 A 26.

22 Q Where were you born?

23 A I was born in Attica but I lived 20 years of my  
24 life in Chicawaga, a suburb of Buffalo.

25 Q What is your educational and experience and

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1 background?

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2 A I have a BA and a Masters of Science degree  
3 from Phoenicia College in Buffalo and I have about 30  
4 graduate hours in English literature. I did some teach-  
5 ing in the Buffalo School System approximately a year  
6 and a half prior to coming to Attica.

7 Q How long have you been working at Attica?

8 Q Since September 1970.

9 Q I wonder if y-u could, Mr. Germain, or you  
10 would outline for us what is the educational program at  
11 Attica, what are the programs, what makes up this program?

12 A At the present time or prior to--

13 Q Prior to September 1971.

14 A Prior to September we had five academic teachers.  
15 a basic reading teacher, an intermediate reading teacher,  
16 a math teacher and an English teacher. We also, among  
17 ourselves, ran a high school equivalency, shared the  
18 duties on that. We had an inmate instructor who ran an  
19 audio visual room. An inmate instructor in a Spanish room  
20 and of course the Black history which was taught by a  
21 black inmate, by the way.

22 Q That was prior to September 1971?

23 A That is right.

24 Q What is the program made up at the present time.

25 A At the present time because of our non-existent

1 facilities, we have simply an intermediate read- 738  
2 ing class and also a high school equivalency class.

3 We just completed testing 60 men in one course.

4 Q Prior to September 1971, how many inmates were  
5 enrolled in your program?

6 A In my program?

7 Q Right.

8 A In my class?

9 Q No, in the program.

10 A Oh, yes, I wouldn't--I would say probably 300  
11 people.

12 Q How many were in your class?

13 A I averaged approximately 18 to 20 .

14 Q And what were you teaching?

15 A Basic reading.

16 Q Now, would that be as part of the intermediate  
17 group?

18 A No, it wouldn't. It would be anywhere from  
19 zero to fifth grade.

20 Q How many--you say there were four other in-  
21 structors?

22 A That is right.

23 Q The 18 men you worked with, did you consider  
24 that an adequate number, too large or too small?

25 A I considered it gargantuan.

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1 Q In other words, you felt you couldn't 739

2 give any individual attention?

3 A I did the best I could under the circumstances.  
4 What else can you do, you know.

5 Q What were the--what are or were the objectives  
6 before September 1971 of this program?

7 A My objectives were to raise a man from what-  
8 ever grade level he was to approximately a fifth grade  
9 or above. Then he would be promoted to a higher class.

10 Q Did you feel that there was any, or at that time  
11 any rehabilitative features of this program?

12 A I felt basically the problem is not teaching.  
13 I think we have had great success in that area. Consider-  
14 ing the circumstances. I personally probably do as much  
15 counseling as I do teaching.

16 Q Is this a part of your function or is it that  
17 you see this as a part--

18 A It's my personal philosophy.

19 Q So you feel that the program as set up minus your  
20 personal philosophy isn't adequate?

21 A It's the best we could do under the circumstances  
22 I think that we--we are achieving things but it's certainly  
23 inadequate in light of what we could do with help.

24 Q I will get back to that. How did or does an in-  
25 mate become enrolled in the educational program?

1           A     When an inmate enters the institution,     740  
2 he is given a Standard Achievement Test and if he scores  
3 below fifth grade, he is forced to go to school. If he  
4 scores above, he may enter of his own accord. He may  
5 request school, in other words.

6           Q     He may request but is his request always  
7 honored?

8           A     Not necessarily.

9           Q     Is this what is known as the placement test?  
10 Or the classification system?

11          A     This is a placement test that we give. I  
12 think everybody in corrections gives it.

13          Q     Do you think it's a valid measure of where a  
14 man should go?

15          A     I am not an expert on psychometrics but the  
16 little knowledge I do have of it would certainly lead  
17 me to believe it's a very inadequate means of measuring  
18 a man's abilities. It's a highly verbal test with ex-  
19 tremely restrictive time limits and our people just can't  
20 handle it. So it wouldn't indicate a man's abilities.

21          Q     In other words, you feel that it really is-'t  
22 objective enough or it might be too objective?

23          A     That's right.

24          Q     You feel a man, based upon his former environment  
25 might have a great deal of native or good ability but that

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1 this test just absolutely can't measure it?

2 A Yes, sir.

3 Q Mr. Germain, I wonder if you could describe  
4 for us some of the materials used in the program?

5 A In my personal program, my materials were ex-  
6 tremely poor. I operated using Dick and Jane books. And  
7 one SR Reading Lab and whatever else I could scrounge  
8 basically. I must admit that since the disturbance I  
9 have ordered what I consider to be adequate materials and  
10 I am told that I will get them.

11 Q Have you received them as yet?

12 A I have received a new SRA kit. So far.

13 Q What is SRA?

14 A Science Research Associate. It's an individual-  
15 ized reading program.

16 Q Of the materials that you did have, in other  
17 words, you are saying they really weren't effective?

18 A No, they weren't.

19 Q Not for the goals you had in mind?

20 A That's right. They certainly aren't the type  
21 of materials a man could relate to, one of my students  
22 could relate to.

23 Q What goals did you have in mind for the men?

24 A For my particular program?

25 Q Yes.

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1 A To raise them to a fifth grade level 742

2 in reading.

3 Q Of the men in your class or that you know in  
4 the program were there many Spanish speaking inmates,  
5 Puerto Rican, other Spanish speaking people?

6 A We had a class run by an inmate instructor for  
7 Spanish speaking inmates which was totally ineffective.  
8 As a result of some of the inmates disgust with the  
9 class, I picked up a few Spanish speaking inmates in  
10 my class, which, you know, didn't help me and didn't help  
11 them really much more than their past situation because  
12 my situation was so difficult as it was to deal with the  
13 man not knowing Spanish was, you know, just impossible.

14 Q Why was it you felt that the inmate instructor  
15 was inadequate?

16 A Well, I just based this observation on the  
17 fact that I had men come from that class to my class be-  
18 cause there was a lot of goofing around going on and no-  
19 body really knew what was happening.

20 Q Would it be a recommendation of yours that there  
21 be a Spanish speaking instructor or someone able to  
22 teach these basic skills in the Spanish language?

23 A Definitely. A competent civilian.

24 Q Is there a program for teaching English to  
25 Spanish speaking inmates?

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1 A No, there isn't.

2 Q Do you know if any of the materials that the  
3 men depended on for instructions are printed in Spanish?

4 A I don't know. The materials used in that class  
5 were the same I had basically.

6 Q And they were in English?

7 A Yes.

8 Q Mr. Germain, we heard about the self-study  
9 program. I wonder if you could tell us something about  
10 that.

11 A In my viewpoint the self-study program was a  
12 failure not for--it was just a salient effort which  
13 wasn't very effective. You had one civilian running it  
14 with perhaps 30 inmates, we call them correctors, but  
15 actually they are tutors, handle, God, I don't know how  
16 many different courses. Maybe a thousand different courses  
17 Mostly ICS or anything. It was just too unwieldy.

18 Q What is ICS?

19 A International Correspondence Schools.

20 Q I think, without asking, you have already indi-  
21 cated how you feel but what is your assessment of the pro-  
22 gram as it was prior to September of 1971?

23 A I think the program was effective in the sense  
24 that we have some people there who are really very dedi-  
25 cated and really put out but on the other hand, we were

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1 laboring under so many frustrations that there is 744  
2 no way it could be termed adequate.

3 In other words, we were able to get to some  
4 people but nowhere near the people we wanted to get to  
5 or should have got to. Given a little bit of aid.

6 Q What would your recommendation be to improve the  
7 school program?

8 A Well, our biggest gripe is that people in  
9 Albany seem to be terribly impressed by statistics. One  
10 I outlined my classroom situation, I mentioned I  
11 average 17 to 20. I am working with these men individu-  
12 ally, constantly, and there is no way you can go around  
13 a room with 18 people and do a good job. My class hap-  
14 pened to be the smallest.

15 For instance, our English class which would go  
16 from 5th grade to high school level, sometimes there were  
17 45 guys in there. The room is only 20 x 20, you know,  
18 and this is very frustrating and disgusting to not only us  
19 but the inmates.

20 I don't see why statistics count over people.  
21 What is the big gripe about giving me a class of eight  
22 guys or five guys or whatever I can handle properly and  
23 doing something for these people. Instead of throwing 20  
24 people in my room, you know, to make up a statistic.

25 Q In other words, you feel that either the classes

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1 should be smaller and less people in the program 745

2 or more equipment and staff to handle the number of--

3 A More staff, definitely.

4 Q Have you expressed your feelings to your  
5 supervisor or to the administration?

6 A I just spent six months in Albany negotiating  
7 a CSEA contract and I have expressed my opinion to  
8 practically every person I could. It hasn't done any  
9 good.

10 Q That was going to be my next question.

11 What do you see is the attitude of the adminis-  
12 tration towards improving the program?

13 A I can't comment on the present administration  
14 because we haven't had a chance to, you know, try them  
15 out really. The past administration, the past warden,  
16 well, you know, I think I saw him three times in a year  
17 and a half. If that is any commentary. But we feel for-  
18 gotten in the school in a lot of ways, you know. It's a  
19 very bad place.

20 Q Let me ask you this. Let me ask you, are you  
21 involved with the library program at all?

22 A At the present time I am running the library.

23 Q Do you know anything about the library prior to  
24 September of 1971?

25 A A little bit.

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1 Q What was the program?

2 A Basically we had a library composed of, I'd  
3 say, 25 to 35 thousand books and the books were de-  
4 livered to a man's cell. He would turn a card in. We  
5 had a very extensive catalog which was handled by the  
6 water boys. If you wanted your--the catalog, to order  
7 a book, you would ask the water boy for it and get the  
8 catalog.

9 Q Did you feel that they had adequate library  
10 materials or books of sufficient subjects to adequately  
11 service the men?

12 A I think it was a good library.

13 Q What kind of books did they have, did they have  
14 religious books available?

15 A Religious books, yes. There was a section for  
16 religious books and also the Chaplains deal extensively  
17 in religious books.

18 Q Other than what we consider the orthodox or  
19 the three religions we deal with, Protestantism, Catholic-  
20 ism and Judaism, were there any books for Moslems?

21 A If you mean by the Korans, certainly.

22 Q How about political books?

23 A I can comment better on the present library than  
24 the past.

25 Q All right. Did--when I say political, let's go

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1 the spectrum. I would say anywhere from Mein 747

2 Kampf to the words of Che Gueverra.

3 A Most of those things are permitted now. I  
4 would like to add, though, that an extremely small per-  
5 centage of the population would read such books. We re-  
6 ceived a very bad writeup in the New York Times, the  
7 end part there about how bad our libraries are and most  
8 of our people want Westerns, science fictions, and myster-  
9 ies.

10 Q I think that probably reflects the outer com-  
11 munity also but let me ask you this: Are these books  
12 available now to these people?

13 A Yes, they are.

14 Q How about the works of Malcom X, Eldridge  
15 Cleaver?

16 A "Soul on Ice" is approved. Malcolm X, I don't  
17 believe his autobiography is approved.

18 Q Who determines--

19 A This is determined by a committee in Albany.  
20 They send us a rundown every month on what is approved or  
21 disapproved. It's created more problems for us than it's  
22 going to solve.

23 Q What is your feeling about this type of screen-  
24 ing?

25 A I personally will give a man anything he wanted

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1 to read except perhaps books on how to make  
2 home made bombs or judo books.

3 Q Are there law books available?

4 A We have a new law library which is fantastic.

5 Q Really good?

6 A Yes. Very good.

7 Q How about books in Spanish language?

8 A At the present time I have about 40 Spanish  
9 books. You have to realize that we had to rebuild this  
10 thing from scratch. And we are only up to about, I would  
11 say, 5,000 volumes.

12 Q Among some of the younger black inmates, there  
13 has been, they have exhibited to me an interest in their  
14 identity, their culture and I would like to ask if there  
15 are any materials teaching, say, Swahili?

16 A I believe we have two or three Swahili books  
17 at the most. The same with Arabic.

18 Q The same with Arabic also?

19 A Right.

20 Q What is your evaluation and recommendation for  
21 the library?

22 A For the library specifically?

23 Q Yes.

24 A We have to get some more books.

25 Well, at the present time we have lots of books

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1 laying on the ground because we can't get  
2 shelves for the books and we are located in the dye  
3 room of the second floor of C Block which is in a very  
4 small room and actually we have to move to do anything.

5 We don't have any room. Secondly, I think  
6 everything is going to go along all right.

7 Q You are hopeful for the library program?

8 A Yes, if we can get a little bit of money to  
9 supplement what we have already, I think we have an ex-  
10 cellent start. People have been very generous and we  
11 received some marvelous contributions from different  
12 universities and so forth.

13 Q You don't feel as hopeful about the educational  
14 program?

15 A No, sir.

16 Q I've heard a lot, this might not be germane--and  
17 that is not a pun, Mr. Germain--we have heard a lot  
18 about the inability or the difficulty with some younger  
19 inmates. You are a young man, you are 26. Do you find  
20 any difficulty dealing with the young so-called militant  
21 black and Puerto Rican and white for that matter?

22 A Being white I am at a disadvantage to start  
23 with certainly, and that is why I say, I probably do as  
24 much counseling as teaching basically. My philosophy is  
25 that I have to relate to a man, he has to relate to me.

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1 He has to care for me when he hits my room.

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2 Most of the men I have are extremely an-  
3 tagonistic towards school to start with. Probably  
4 because they had bad experience in the school situation  
5 all their previous lives and they are very much afraid.  
6 I mean it's not a nice thing to be 30 years old and 25  
7 years old and not be able to read. Very much afraid of  
8 ridicule and so forth. And my first task is to relate.  
9 Tell these guys I care for them. If I can accomplish  
10 that, which I don't all the time, obviously, but if I  
11 can get that hurdle, get over that hurdle, I have no prob-  
12 lems.

13 Q In other words, you feel that this counseling  
14 is absolutely necessary?

15 A Yes, sir.

16 Q To gain some kind of rapport with the student  
17 before you can begin to teach?

18 A Yes, sir.

19 Q You said that you had one disadvantage in that  
20 you were white. I wondered exactly what you mean. I think  
21 I do but I wonder if you would articulate that.

22 A A mention was made of the different classes of  
23 inmates. I wasn't around 20 years ago but let's face it,  
24 there is a lot of organizations running around today which  
25 perhaps breaches segregation, for instance. Some men will

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1 walk into my room and they just look at me, if  
2 they could, if looks could kill, I would be dead thousands  
3 of times basically. And that is the way I see it. If  
4 I can't get through to the man, I am done and he is done  
5 too as far as I am concerned.

6 Q In other words, you feel he is done in what you  
7 feel are acquiring necessary basic skills?

8 A He is done. His life is shot.

9 Q And you have enjoyed some success in cracking  
10 this barrier?

11 A Yes, sir, I think I have had great success  
12 considering our problems.

13 Q Do you like your work?

14 A Yes, sir, I love it.

15 JUDGE WILLIS: I have no further questions.

16 MR. McKAY: Mr. Germain, you say that you  
17 have 18 in your class. And all of them are required  
18 to be there, is that correct?

19 THE WITNESS: Yes, sir.

20 BY MR. McKAY:

21 Q You said, I was dismayed, that most of them were  
22 antagonistic to what you were trying to do.

23 A A lot of them are.

24 Q How many of that 18 are really there trying to  
25 learn and wanting to be helped by you?

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1           A     Perhaps three to four. A reason why  
2 the men are antagonistic is perhaps that they are forced  
3 to go to school.

4           Q     Are they required to stay there until you  
5 graduate them as having a 5th grade level?

6           A     Yes, sir.

7           Q     Do they make it or do you simply push them out?

8           A     If we have a guy in the program for two years,  
9 we remove him. That is kind of ridiculous.

10          Q     And the others beyond the 5th grade, the educa-  
11 tion is optional with them?

12          A     Yes, sir.

13          Q     Except you said some of them who want the pro-  
14 gram do not have a chance to get into it. Why would any-  
15 one be denied the opportunity to education beyond the  
16 fifth grade?

17          A     Because the classes are always loaded.

18          Q     How many classes are there beyond the fifth  
19 grade, are there various levels above fifth grade?

20          A     Our system--first of all when I talk about  
21 grades, you can't really classify grades.

22          Q     I understand it's an arbitrary system.

23          A     An inmate testified this morning he had an 8th  
24 grade education and it turned out he had a 5th. We have  
25 people with 12th grade educations and they can't read.

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2 would be set down. In other words, an intermediate  
3 level would go from a 5th to an 8th or a 9th or a 10th.  
4 A man would stay in an intermediate room until perhaps  
5 he reached a point where he could go into the high school  
6 equivalency. He might be above some men.

7            Q     How many inmate places would there be in the  
8 school for the intermediate group and how many for the  
9 high school equivalency, would you estimate?

10           A     The high school equivalency is a separate, dis-  
11 tinct class which we run two to four times a year.  
12 There would be three places. Three classes. Inter-  
13 mediate reading, intermediate math, intermediate English.

14           Q     What I mean is how many positions would there  
15 be for inmates at the two levels?

16           A     I don't think I understand you.

17           Q     At the intermediate level, how many inmates  
18 could be accommodated in the program?

19           A     Oh, A couple hundred.

20           Q     And the demand is higher than that?

21           A     Sometimes it is.

22           Q     And at the high school equivalency level I  
23 understand you do it differently--

24           A     We are very successful. It depends. We try  
25 to keep a class down to 30. We will run two at one time.

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1 One in the morning and one in the afternoon if 754  
2 we get say 60 people. Inatead of putting 60 in one  
3 room because we don't have the people to teach it. It's  
4 tough. But we will try to break it down if the re-  
5 sponse is tremendous in that fashion. Run a straight two  
6 hour class in the morning and run another class in the  
7 afternoon.

8 Q How many teachers are there in the institution?

9 A At the present time there is only four because  
10 one teacher is acting education supervisor.

11 Q To what extent do you use inmates as teachers  
12 other than the one Spanish inmate you mentioned?

13 A We don't have any now, of course. As I stated  
14 before we had a black history class, the Spanish class, th  
15 the audio visual room and also the sociology class and  
16 self-study as tutors, which I think is deplorable.

17 MR. MCKAY: Thank you. Are there questions  
18 from other members?

19 BY MR. WILBANKS:

20 Q Suppose someone in the TV audience had a Masters  
21 Degree in teaching and they said, gee, I don't teach on  
22 Tuesday and Thursday, if I came out and was a qualified  
23 teach at Attica and volunteered to teach half of those  
24 18 students would I be allowed to? How would you answer  
25 that?

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1 A I would say if this person would be there  
2 every day for a year on Tuesday and Thursday, fine.  
3 But this is the problem with inmate teachers. With  
4 callouts and so forth, you can't get anything going.

5 Q If a teacher's organization would provide  
6 someone on Tuesday and Thursday mornings?

7 A Yes, sir.

8 Q What if I said I have a book I would be happy  
9 to give, would that be permissible to give books?

10 A Yes, sir. You can give a book to the library.

11 MR. MCKAY: Mr. Rothschild?

12 MR. ROTHSCHILD: No.

13 BY MRS. WADSWORTH:

14 Q We have discussed a great deal of the zero to  
15 five and then up to the high school equivalency. What  
16 number of inmates might be interested in above that  
17 level?

18 A To my knowledge it's been minimal.

19 Q It would be just a handful of people?

20 A You see, we don't have anything to do--I  
21 think DVR has been working with this a little better than  
22 we have but basically not very many people. Some people  
23 take college proficiency exams.

24 MR. MCKAY: Bishop Broderick?

25 BY BISHOP BRODERICK:

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Q Do you have any idea of the degree of literacy among the inmates?

A I could make a guess.

Q Do they take a reading comprehensive test when they enter?

A That is included in the SAT.

Q This would be some criteria?

A Yes, sir. Changing rapidly. Our present acting supervisor started seven years ago and he maintains that the literacy level has risen fantastically in that time period.

Q Literacy or illiteracy?

A More people are literate today than they were seven years ago.

MR. MCKAY: I have one more question. On the high school equivalency certificate, that is actually awarded in the institution?

THE WITNESS: It's awarded from Albany just like anybody else would get.

BY MR. MCKAY:

Q Do you have any idea how many are awarded on an average year from Attica?

A I can't say on an average year. I would say, depending on the number of classes, we usually hit at least 50 to 60 per cent pass. So we had 60 people this

1 time around, that is 30 right there.

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2 If we run four, it's 120.

3 Q In a whole year?

4 A Right.

5 MR. McKAY: Thank you.

6 Do you, Mr. Germain, want to make any  
7 statement about your work or about the institution  
8 for the benefit of the Commission or the public?

9 THE WITNESS: I just want to say that  
10 everybody is in the same bag, the officers, the  
11 inmates, the civilians. And the people on the  
12 street. And I just don't understand why the public  
13 doesn't--what I don't understand, it's a revolving  
14 door and every time a guy goes in and out, they are  
15 getting damages. If you want to present it to them,  
16 perhaps you can do it economically. If people don't  
17 realize the suffering in pain, do it economically.  
18 Show them how much money a guy is losing in the  
19 yard. Do something but there is a lot of people  
20 involved in this business and it's a screwy business  
21 and the longer I'm in it, the more confused I get  
22 really.

23 Nobody wants trouble. And I don't think the  
24 public realès it. We don't want trouble. The in-  
25 mates don't want trouble. The officers don't

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1 want trouble. We want to help but we can't 758  
2 basically. There's no way. We just don't  
3 have the tools.

4 MR. MCKAY: Thank you. That is a good  
5 statement. We very much appreciate your being with  
6 us today.

7 (Whereupon, the witness was excused.)

8 MR. MCKAY: I believe we are now just  
9 about ready to close the hearings for the three  
10 days in Rochester. Before doing so, I want to  
11 state on behalf of the members of the Commission who  
12 have asked me to say this and all of the members of  
13 the staff, we join in thanking Channel 21 for the  
14 extraordinary contribution they have made in making  
15 these hearings possible. They have labored mightily  
16 from the top through every level of technical  
17 staff and in every way, they have given us the most  
18 magnificent cooperation. They have provided, we be-  
19 lieve, a distinctive service not only to us but to  
20 the public. We are most grateful indeed.

21 The hearings will resume on Monday morn-  
22 ing in New York City at the studios of the National  
23 Educational Television Network Station there, Channel  
24 13. I hope you will be with us then.

25 (Time noted, 4:00 p.m.)

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