

1 A About eight years.

2 Q That's a long time.

3 A Yes.

4 MR. LIMAN: I have no further questions.

5 MR. MC KAY: Thank you very much, Mr.

6 Swift, for being with us today.

7 (Witness excused.)

8 MR. LIMAN: Mr. Chairman, would you swear
9 the witness, Mr. Goewey.

10 H A R O L D G O E W E Y, called as a witness,
11 having been first duly sworn by Mr. McKay, was
12 examined and testified as follows:

13 EXAMINATION BY MR. LIMAN:

14 Q What is your age, Mr. Goewey?

15 A 43.

16 Q What is your occupation?

17 A Correction officer.

18 Q Stationed at Attica?

19 A At Attica Correction facility, yes, sir.

20 Q How long have you been a correction officer
21 at Attica?

22 A I'm going on my 19th year now.

23 Q So you entered the system at about the same
24 time that Tiny Swift did?

25 A That's correct.

1 Q Where are you from?

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2 A From Oswego, New York. That's Northern
3 New York.

4 Q What is your present assignment at Attica?

5 A I work in the hospital on the 11 to 7 shift.

6 Q When you entered the system, what training
7 did you receive for your job?

8 A I didn't receive any particular training. It
9 was--we sat down with a few of the personnel at the
10 facility and talked over the different aspects of the
11 job and what was expected of us at the time but no
12 formal training.

13 Q How long have you been working in the hospi-
14 tal?

15 A I have been there about three months now.

16 Q And before that, what was your position?

17 A Well, I worked for a very short time in E Block
18 and before that I worked in D Block.

19 Q And before D Block?

20 A I worked in HBZ. Segregation.

21 Q How long were you an officer in HBZ?

22 A About 12 years.

23 Q In the 19 years that you have been at Attica,
24 you have seen changes?

25 A That's correct.

1 Q We had Sergeant Cochrane on this morning 381
2 and we went into great detail about the duties of
3 correction officers and I'm not going to repeat that
4 testimony, those questions with you but I wonder whether
5 you could tell us as you perceive it, the correction
6 officer who was there for 19 years, what changes have
7 you sense had in Attica in recent years?

8 A The changes have been--with the inmates, the
9 inmates changed, of course.

10 Q How have they changed?

11 A Well, they tend to resist the rules and regu-
12 lations more than they did in the past.

13 Q Are there other changes in their attitudes
14 that you have observed?

15 A Yes, I think they reflect the general attitudes
16 of the society at large.

17 Q In what respect?

18 A Disrespect for law and order in many cases.
19 Disrespect for the rules.

20 Q When did you first really detect this change
21 in the attitude of inmates entering the system?

22 A About five years ago, four, five years ago.
23 It became most apparent, I think.

24 Q And how would it manifest itself?

25 A In the difficulty in maintaining the institu-

1 tion. The rules and regulations. The things 382

2 of that nature.

3 Q And were you given any training by the Correc-
4 tion Department in how to deal with the newer type of
5 inmate?

6 A No. No, we haven't.

7 Q Have you found it difficult to relate to
8 some of these young fellows?

9 A Yes. Certainly. They make our job a little
10 more difficult so naturally, we have more difficulty
11 relating to them.

12 Q You told me when I spoke to you before you
13 testified that you felt that many of the younger inmates
14 as opposed to the older ones, the inmates who came
15 into the system earlier, don't feel a sense of guilt,
16 that they are angry and feel that they really don't
17 belong in jail.

18 A Yes, they definitely feel that they are
19 right. They feel that, in many cases that they have
20 been sentenced without the same justification that other
21 people have been sentenced in different localities,
22 for instance, and the difference between colored and
23 white, rich and poor, so on, yes.

24 Q And they come in bitter about the system?

25 A In many cases they do, yes.

1 Q And you yourself have observed disparity 383
2 in sentences?

3 A Yes, I have.

4 Q What about parole, do they come in, do they
5 become bitter about the parole system?

6 A Yes. I don't really know an awful lot about
7 the parole system. I haven't dealt in that particular
8 line at the institution but some of the inmates have
9 mentioned that they are dissatisfied with some of the
10 situations encountered in the parole system.

11 Q Haven't you seen how morale drops when the
12 parole board leaves and things like that?

13 A It is reflected, yes.

14 Q And it makes the job of the correction officer
15 tougher?

16 A Yes, it does.

17 Q Just as, I suppose, if a correction officer
18 has had a bad evening or a bad breakfast, he can make
19 things more difficult too? It is a part of being human?

20 A I suppose that's true, yes.

21 Q When they complain to you about the parole
22 system, do they talk about the fact that they don't
23 really know why they were denied parole, they don't
24 understand why they were denied parole, somebody else
25 got it, why didn't they?

1 A Well, actually, I don't know an awful
2 lot about the parole system. I know that the inmates
3 do complain about it.

4 Q When they complain, are you able to explain
5 to them why they didn't get parole?

6 A No, I'm not.

7 Q Is there anybody that you know of in the
8 institution who can explain to the inmate why he did
9 not get paroled?

10 A I suppose the parole board?

11 Q Do you know whether the parole board does?

12 A I do not.

13 Q Haven't you been told that, by these inmates,
14 that they don't get explanations?

15 A Yes, the inmates have said this but I haven't
16 heard anything from the parole board. I have heard
17 from one side of it, not both sides.

18 Q In these years in the institution, you,
19 like Sergeant Cochran and others have seen inmates
20 leave and then come back?

21 A This is true.

22 Q Do you believe that Attica, as it is presently
23 structured, helps rehabilitate inmates and keep them
24 law abiding when they're released?

25 A Well, the system isn't doing as good a job

2 Q I would like to ask you a few questions.

3 Is it also your observation that inmates are
4 coming in with shorter sentences?

5 A Yes, they are.

6 Q So that they're going to be through Attica
7 and out in society in a much shorter period than they
8 normally would have been in the older days?

9 A That's true.

10 Q What do you think Attica could do more than
11 it's doing today to help these people?

12 A I think that programs, more programs should
13 be made available to them. Programs for training,
14 vocational training. Educational training. Training
15 in--that would have to do with getting along better in
16 society. What is society. Other than the society that
17 they have been subjected to so far. Yes, I think there
18 are many things that we could do, but we have to have
19 the funds. We were operating with handicaps because
20 of the funds that are available to us.

21 Q Do you think that the State could do more
22 for correction officers to help them understand and
23 relate to these inmates?

24 A There is no question about that.

25 Q Such as giving them some training in this area?

1 A Training, that's correct.

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2 Q And today as I understand it, there is virtually
3 none?

4 A Well, they are setting up training programs
5 for the officers, making certain things available
6 but up to this time they haven't been available, no.
7 There have been attempts, there are attempts right
8 now to improve the capabilities of the officers and
9 we hope, everybody in correction hopes that this continues
10 and it is expanded upon.

11 Q You mentioned that you were in HBZ as an
12 officer for a number of years.

13 Would you explain exactly what HBZ is?

14 A HBZ is what was referred to as the box for
15 several years. HBZ was an area that inmates were sent
16 who couldn't conform to the society in the institution.
17 They were put there under more rigorous rules and regu-
18 lations and it was attempted to get them ready for the
19 general population.

20 Q Could you point out on the map where HBZ
21 is?

22 A Yes, it is at the top of this building right
23 here.

24 Q It is on the top of the reception building?

25 A Yes, this is the top floor, right here.

1 Q What restrictions are inmates under in HBZ 387
2 that other inmates are not under?

3 A Well, they are kept in their cells more.
4 And they are kept under closer observation.

5 Q When you say they are kept in their cells
6 more, how many hours a day is a man kept in HBZ in a
7 cell?

8 A Well, most of the day.

9 Q 23 hours or so?

10 A About 23 hours.

11 Q When he is let out, it is to exercise in a
12 little exercise area in HBZ?

13 A That's correct.

14 Q The men are fed in their cells?

15 A Yes.

16 Q They have toilet facilities in their cells?

17 A Right.

18 Q There is a shower in the HBZ area?

19 A Yes, there are two.

20 Q How often does a man in HBZ get a shower?

21 A I don't know. I don't know how many times
22 they were permitted.

23 Q When you were there?

24 A I worked nights and they didn't get any showers
25 at night.

1 Q You worked nights at HBZ. Did you escort
2 men up in the elevator?

3 A I received them at the top of the elevator,
4 yes.

5 Q So you received them after they had been
6 up in the elevator?

7 A Right.

8 Q Did you ever witness an inmate being beaten
9 in HBZ by a correction officer?

10 A No, I never have.

11 Q Did you ever witness any inmate who emerged
12 from the elevator with marks of a beating?

13 A Not in the 12 years I was there, no.

14 Q You know that it is commonly rumored in
15 Attica that men are beaten on the way up to HBZ,
16 you have heard those rumors?

17 A Oh, yes.

18 Q If it doesn't happen, what do you attribute
19 this legend to?

20 A Just that. It's a legend. Probably has
21 happened in the past. But in the number of years that
22 I have been there, it hasn't.

23 Q Did you in fact here that in the past there
24 were goon squads?

25 A Yes, I have heard that expression.

1 Q But in the years that you worked in 389

2 HBZ that practice did not exist there?

3 A No, I don't know exactly what a goon squad
4 is supposed to do.

5 Q When you heard the term, you must have asked--

6 A Oh, yes, I have heard the term goon squad
7 but I have never seen a goon squad in action.

8 Q Are there goon squads?

9 A Not to my knowledge.

10 Q What did it conjure up when you heard it?

11 A It would make you think that there were a
12 group of bullies more or less, that would be sent into
13 a certain area to quell a disturbance.

14 Q If an inmate acted up when he was in HBZ,
15 how did you feel with that?

16 A We wrote reports up.

17 Q Was that always so from the time you were
18 there?

19 A Yes, we always had to write reports. Discip-
20 linary reports and psychological reports.

21 Q Was there a period when you could use gas to
22 quiet an inmate down?

23 A That's right.

24 Q When was that?

25 A Well, gas was used in instances to keep a

1 man from harming himself. For instance, occasion- 390
2 ally we would have a man go beserk. Begin to break
3 up his cell. Break his bed up, his toilet and be
4 flying about, banging into the walls and we did not
5 have access at that time to the levers that unlocked
6 his cell so we had to do something. Fire a round of
7 gas into the cell and he would stop. Then we would
8 call the lieutenant and he would come over with a couple
9 of officers and we would move him from his cell, put
10 him into another strip cell.

11 Q Who had discretion as to whether gas was
12 warranted?

13 A The officers had the discretion to use it
14 at that time under given circumstances. A report was
15 also required at that time and you would have to prove
16 that you had a very good reason for using it.

17 Q Was that practice changed?

18 A Yes, it has been changed.

19 Q When was that?

20 A About four years ago. Five years ago.

21 Q What was the change?

22 A No gas is allowed to be used now. Under any
23 circumstances as far as I know.

24 Q During the period that you could use gas,
25 how frequently was it used during the night shift that

1 you were there?

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2 A Very infrequently. Maybe once a year or
3 so.

4 Q Why did you leave HBZ, did you do that
5 pursuant to the job bidding system?

6 A Yes, I did.

7 Q You were an experienced officer in HBZ?

8 A That's right.

9 Q What lead you to leave that job?

10 A Well, I felt that since many changes were going
11 into effect and the changes that I found difficult to
12 adapt to, that younger men would do a better job up
13 there.

14 Q What were the changes that you are talking
15 about?

16 A Changes in disciplinary procedures and so on.

17 Q Could you amplify what you mean by that?

18 A Yes. It got to the point where we were
19 being called names all the time and they would throw
20 things at us. Things of this nature that caused the job
21 to be difficult. And vyer irritating.

22 Q That was a change in the way the inmates reacted
23 to you. What was the change in the way you could react
24 to them?

25 A We could do nothing to them.

1 Q Why could you do nothing.

2 A Because we didn't have the authority to do
3 anything.

4 Q Was gas the only thing that was taken away from
5 you?

6 A Gas and the fact that it seemed to us in
7 many instances that after writing reports out, very
8 little or nothing was done about it.

9 Q And who would you write these reports out
10 to?

11 A Reports are written out to the deputy super-
12 intendent.

13 Q And you felt that the men were not being pun-
14 ished further if they rebelled against you in HBZ?

15 A Apparently they weren't because they continued
16 to get worse and worse.

17 Q Did they call you names?

18 A Oh, yes.

19 Q Did you ever call names back?

20 A No, I never have.

21 Q Have you ever heard an officer call an inmate
22 a nigger to his face?

23 A Of course not. That would be asinine.

24 Q Why would it be asinine?

25 A Because it would make your job more difficult,

1 that's all. You are in a situation where you 393
2 have to get along with these people. And name calling,
3 even if they called you names, just isn't going to
4 make your job easier for you.

5 Q Have you ever heard any correction officers
6 in talking among themselves use that term?

7 A Talking among themselves, sure, I have heard
8 that.

9 Q You would agree that in an institution like
10 Attica which had all white correction officers, you
11 find all degrees of bias?

12 A Sure. The same as in general society.

13 Q And did you ever hear inmates complain to you
14 about the fact that they weren't treated like men?

15 A Yes, sure. I have heard them complain,
16 yes.

17 Q I understand that there are inmates in a prison
18 and that they're not going to have the same degree of
19 freedom that you have on the outside.

20 Do you think that the inmates accepted that?

21 A Well, I think they accepted it. I don't think
22 they liked it too well, no.

23 Q Then what did you think that they were complain-
24 ing about if they accepted the concept of confinement
25 when they talked about the fact that they weren't

1 treated like men?

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2 A Well, I don't know exactly what you're
3 getting at. If you're put into an institution, you
4 accept the fact that you're in there. You don't have
5 to like it, though. You could grumble and complain
6 about it all the time you're in there. You have
7 accepted the fact that you're there. But you are not
8 prepared to conform to it.

9 Q Is it your testimony, then, that you feel that
10 their complaint was essentially that they were in the
11 institution rather than the way they were treated in
12 the institution?

13 A Yes, I think so.

14 Q Did you ever hear inmates complain about
15 the night stick?

16 A No, I haven't. I heard a lot about the night
17 stick in the press but I haven't--inmates and the
18 officers paid very little attention to it.

19 Q How do you feel about the night stick?

20 A I personally don't like the night stick. I
21 think we would be better off without it.

22 Q Can you understand why an inmate would
23 resent a man holding a night stick when he is talking
24 to him?

25 A Absolutely. It's our job to help these indi-

1 viduals. It is pretty difficult to convince 395

2 somebody you are trying to help him when you have a
3 stick in your hand.

4 Q You would agree that if you are in a job in
5 which you may be in the company of anywhere from 40
6 to a hundred inmates at one time, that a night stick
7 really doesn't offer you any protection?

8 A No. It is actually a threat to you.

9 Q It is a dangerous weapon as far as the offi-
10 cer is concerned?

11 A That's right.

12 Q Do you know why it still is a department
13 regulation that an officer must carry a night stick?

14 A I suppose it has to do with a show of authority.

15 Q This raises the whole question of the extent
16 of communication between the correction officers and
17 the policy makers. Here you are a man who has been
18 in this job for 19 years and you agree with the inmates
19 on a matter which they resent so much. Do you ever
20 have opportunities to talk about these things with the
21 policy makers?

22 A Occasionally we have but there is not enough
23 communication between the officers and the administra-
24 tion, or hasn't been in the past. We hope that this
25 is going to improve. The new superintendent has brought

1 this up himself, that he would like to have more 396
2 communication between the officers and the men. I hope
3 that this is carried out.

4 Q How many times in the 19--that may be an
5 unfair question, but how many times in the last five
6 years before September 9 did you have meetings with the
7 superintendent?

8 A In the last five years?

9 Q Yes.

10 A I have had meetings with him ten or 12 times.

11 Q And you were a union representative?

12 A Yes. It had to do with the union on each
13 occasion.

14 Q If you weren't a union representative, are
15 you saying that you probably wouldn't have had any
16 meetings with him?

17 A Probably not.

18 Q How many times did you have meetings with a
19 deputy commissioner in Albany?

20 A Well, we had a meeting one time with Deputy
21 Commissioner Dunbar.

22 Q And that was just before the uprising?

23 A Just before the uprising, right.

24 Q And in all the years before Mr. Dunbar and
25 Mr. Oswald came into office, you didn't have meetings--

1 A No, we had no such meetings. 397

2 Q You had a lot on your chest that you wanted
3 to get off over these years?

4 A Yes, several things were discussed with
5 the Commissioner at the time.

6 Q Do you want to discuss them now with me?

7 A Well, some of the things had to do with the
8 keeplock system. The relaxing of the inmate rules.

9 Q What were you--there were frustrations that
10 were building up among the officer body prior to
11 September 9, is that a fair statement?

12 A Yes, that's fair.

13 Q Why don't you just describe for the public
14 what the frustrations were that you felt as an experienced
15 correction officer and that others in your position
16 talked about?

17 A We were being threatened with an uprising.
18 There were several evidences that pointed to this and
19 we wanted a system whereby we could be warned if any
20 such uprising occurred. We wanted a system of planning
21 as to what to do in a particular case but these were
22 discussed with the superintendent at the time and while
23 he took them on advisement in each instance, nothing
24 was really done as far as I could see.

25 Q Did you have any planning for a disturbance

1 prior to September 9th?

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2 A There may have been a plan.

3 Q Was it ever communicated to the men?

4 A However, the men were not aware of it.

5 Q What about the warning system, was there a
6 warning system?

7 A No, there wasn't any warning system of any
8 kind.

9 Q You talked about things to do in the event
10 there was an uprising which you were apprehensive about,
11 am I correct?

12 A That's correct.

13 Q An alarm system, some kind of plan. Did
14 you also have any thoughts on what could be done to
15 reduce the unrest in the institution?

16 A We had a lot of thoughts. There were a lot
17 of things. Things like I just mentioned. The plan.
18 The better communication between the officers and the
19 administration. Things of this nature. We have already
20 gone over.

21 Q But that deals with your relationship to your
22 superiors. What about things that would effect the
23 way in which an inmate would react to you as a correc-
24 tion officer?

25 A Well, we have also gone over that. The rule

1 book, for instance, inmate rule book. Several of
2 the rules in the inmate rule book were given little
3 consideration but they were there in the rule book.

4 Q What do you mean by little consideration?

5 A Well, it was very seldom that an inmate
6 would be locked up for certain things.

7 Q And yet you were supposed to enforce the
8 rules?

9 A You were supposed to enforce them. Not
10 everybody enforced them in the same way. We think
11 that many of--many of us think if a new rule book were
12 to come out now with more simplified rules that were
13 to be followed.

14 Q Do you think it is a fair criticism by
15 inmates that they really never were fully instructed
16 on what was expected, what was expected of them in the
17 way of behavior?

18 A No. The inmates received the rule book. But
19 as they were subjected to prison life over a period of
20 years they learned that certain rules were followed
21 more closely than others so--

22 In other words, there was a latitude in here
23 that they could get away with certain things at other
24 times and other times they couldn't.

25 Q And that would depend on the correction offi-

1 cer who was enforcing the rule?

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2 A That's right. In many cases where a correc-
3 tion officer knows his inmates. In other words, if I
4 have a gang and its working for me and somebody breaks
5 a particular rule, then I would handle it myself in many
6 cases but where I don't know this inmate, then I would
7 have to write a report up and let somebody else handle
8 the infraction.

9 Q So that the inmates might feel that there was
10 discriminatory enforcement of the rules?

11 A That's right.

12 Q And that would also add to the unrest?

13 A That's right.

14 Q As long as it was up to an officer as to
15 whether he was really going to enforce one of these
16 rules, the enforcement would vary from officer to
17 officer, cell block to cell block?

18 A That's right. From situation to situation.

19 Q And there would not always be the same officer
20 in charge of the same company?

21 A Of course not.

22 Q There have been a number of complaints which
23 have been uttered about the screen in the visiting
24 room. How do you feel about that?

25 A Well, I have very little contact with the

1 visiting room. I don't really know.

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2 Q Well, is it a fact that in HBZ an inmate
3 can visit with his people without a screen?

4 A That may or may not be a fact. I don't
5 know because the visiting hours are in a different
6 shift than the one I worked.

7 Q You saw the visiting room in the reception
8 building?

9 A Yes.

10 Q And you have observed that there is not a
11 screen--

12 A There is a heavy screen between the people,
13 I believe, of course.

14 Q You haven't observed the one on the left as
15 you entered the building?

16 A I have observed it. It seemed to me, but I
17 have never been in the room, it seemed to me that there
18 was a large screen there.

19 Q You are talking about the big visiting room
20 as you enter the whole institution?

21 A Yes.

22 Q I was asking you about the place for visits
23 in HBZ.

24 A I have never been in there.

25 Q In the reception building on the first floor.

1 A I have never been in that room.

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2 Q What I was trying to discuss with you but since
3 you are not familiar with it, I will abandon the subject,
4 is the fact that the visiting room in HBZ where the
5 offenders against the institution are confined does
6 not have a screen, whereas the visiting room in the
7 institution which is available to the general popula-
8 tion, which is observing the rules, has the screen.

9 A Well, as far as I know that is just true.
10 That's just a room. Just a plain room. But that's
11 generally true with all the inmates in HBZ. They
12 continually break all rules and regulations that they
13 could possibly break.

14 All night long they are screaming. I work
15 in the hospital next to the HBZ right now and they are
16 screaming all night long over there.

17 Which isn't very handy for the patients in
18 the hospital. But they are not stopped.

19 Q In your years in this institution, have you
20 formed any conclusion as to whether all of the inmates
21 in Attica belong in a maximum security institution?

22 A Of course they don't. No.

23 We have every type of inmate that you could
24 imagine in the institution.

25 A classification of inmate I think is something