

even one hostage came out," the press secretary said.

Mr. Maiorana also said that Commissioner Oswald had told the Governor that several of the slain hostages had, according to preliminary medical examinations, been killed hours prior to the issuance of the Commissioner's ultimatum to the prisoners.

VISIT TO ATTICA REJECTED

On Sunday, the Governor rejected a request from the observers' panel called to Attica by prisoners to go to the prison, saying that he did not feel his physical presence could "contribute to a peaceful settlement."

Asked whether the Governor might not still go to Attica, the press secretary said: "I don't think so."

The Governor went to his office at 22 West 55th Street around noon. There, he telephoned the Wyoming County District Attorney, Louis R. James, to compliment him on his stand on refusing one of the prisoners' key demands—complete amnesty from criminal prosecution.

In a telephone interview from her home in Warsaw, Mrs. Ruth James, the District Attorney's wife who took the call, said that "Governor Rockefeller called and asked me to express his gratitude for the way he (Mr. James) handled it and the stand he took on this amnesty business."

Mrs. James also said the Governor told her that President Nixon had called him to express support of the way the uprising was handled.

While verbal epithets, accusations, and castigations are slung back and forth, thousands of valuable lives hang in the balance between life and death. We should be concerned about how many lives we can save. The war in Vietnam—as all wars—domestic conflict, violence by the State and individuals has numbed our sensibilities. Our humanity in a sense has been maimed.

California, with its reputed progressive strides in parole and probation programs, its low-repeater rates, and its overall reduction of the prison population is also subject to this malaise. Prisons in California are seething volcanoes of hatred. Since the vast majority of inmates eventually and inevitably wind up among us again, that hatred will touch us, too.

The slaying of George Jackson at San Quentin on August 21 was the first real spark in the debate over prison reform. I think we would do well to learn from Attica and San Quentin. I would like to read three articles for the consideration of the Members of Congress. The first is a report from the San Francisco Post concerning a delegation of black investigators to San Quentin shortly after the death of George Jackson. The second dispatch is also from the Post appropriately entitled, "Behind the Prison Walls." The third article, from the New York Times of September 14, deals with specific proposals for reform in criminal laws. These dispatches follow:

[From the San Francisco Post]

SAN QUENTIN GATES OPENED FOR BLACK INVESTIGATORS

(By Mary Ellen Perry)

We waited outside the gates of San Quentin state prison for 12 hours last Friday but we finally got an impartial report on conditions of inmates in the so-called "adjustment center" hidden in the recesses of the forbidding walls of the prison.

It took persistent persuasion from San Francisco Black Assemblyman Willie Brown—so Eastbay Congressman Ronald V. Dellums had said earlier that day—"to turn yester-

day's no into today's yes," to let a delegation of Black investigators into the prison.

From 10 a.m. in the bright, warm morning until 9:30 p.m. in the clear, cool night, we waited. Finally, Assemblyman Brown, Congressman Dellums, San Francisco physician Carleton Goodlett and Richmond attorney Henry Ramsey returned through the door, drawn and hollow-eyed.

Their more-than-six-hour meeting resulted in two reports—from Dr. Goodlett and from Congressman Dellums.

Dr. Goodlett reported on the medical condition of the prisoners in the adjustment center:

"We saw all but four of the prisoners in the center. We were told that two had locked themselves in their cells and that two were in the hospital. We saw the medical records on all 26.

"The prisoners showed signs of bodily injury," the doctor said, confirming assumptions made by spectators and the press. "Contusions (bruises), lacerations (cuts) and abrasions. Both inmates and the warden agreed that almost all the injuries happened on Saturday (the day George Jackson was shot) and that they were the result of unusual punishment by the guards." Dr. Goodlett said that inmate Hugo "Yogi" Pinell was injured that Friday, having "bruises to the chest, an abrasion of the right forearm and a sprained right wrist." He said the injuries of all except Pinell appeared to be at least 36 hours old, including marks that looked like old cigarette burns.

On the condition of Fleeta Drumgo and John Cluchette, the two surviving Soledad Brothers, Dr. Goodlett reported: "John has blisters on his ankles, due to the leg irons. Some of the prisoners have slowed circulation and I asked that their hand and leg cuffs be loosened." Drumgo's mother earlier had reported his condition to be improved.

Congressman Dellums reported on the requests made to him by the prisoners for improvements in their living conditions and the responses of prison officials when he relayed those requests.

Dellums said:

"Family visits will begin tomorrow (Saturday) if guards are not pulled away to duty at the gate.

"Attorney visits will resume as normal on the same conditions.

"Writing materials, legal papers, books and other items confiscated for the investigation will be returned tomorrow (Saturday).

"Hot meals as normal tomorrow, subject to the availability of personnel." (The prisoners had been given two bag-lunches a day, each containing two sandwiches and a piece of fruit, since the preceding Sunday.)

"Shoes will be returned tomorrow. All prisoners have been without shoes, which were confiscated for the investigation. The officials told us that prisoners have socks, clothing and bedding.

"On Monday (August 30), the Marin County Grand Jury will visit the adjustment center for further investigation."

Thus ended the congressman's report of what prison officials had told him and what prisoners' concerns were.

Asked if prisoners had been brutalized, Congressman Dellums replied:

"There were bruises—it's obvious that people had been struck. We saw four inmates whose eyebrows had been shaved off by the guards who cut their hair."

Assemblyman Brown's comments were that prison officials had assured the delegation that "the prison administration welcomes a continuing dialogue with community people—not only legislators but family organizations, ex-inmate organizations and others."

When some members of the dwindled crowd appeared dissatisfied with the fact that there were still unanswered questions and that the delegation could not answer all queries concerning individual inmates, the four Black

spokesmen said they felt it was significant that they had managed to visit the adjustment center for more than two hours, unencumbered, and that they had not expected to discuss all phases of prison administration with the officials.

[From the San Francisco Post]

BEHIND THE PRISON WALLS

In the beginning of the Soledad trial, there were three brothers: One is dead, George Jackson. Fleeta Drumgo and John Cluchette are now behind the walls of a tense San Quentin. They are the two that remain.

Some white guards and two white prisoners are also gone but many others still remain. San Quentin is at war. People are known to fight for lesser things than human lives.

BACKGROUND

Black and Brown inmates at San Quentin Prison have been engaged in a vicious and protracted struggle with white inmates for the past months. Four other men have died since January of this year and over a dozen stabbings have taken place.

Some have called it political struggle. The Black and Brown brothers announced the formation of a third world coalition in February and spokesmen for Self-Advancement Through Education (SATE) claim Nazi provoked white inmates incited attack on Wayne Early, a membership director of SATE. The attack was seen as an effort to destroy the newly formed Black and Brown alliance and to intimidate the leader of SATE.

LEADERS

Paul Cook is a former inmate of San Quentin. "The struggle behind the wall of San Quentin is to get rid of Black leaders," he says. "They don't want Russell Magee and others to show how crooked the prison system is. The prisons are big business and they exploit the labor of the inmates. They also have lots of guys as George Jackson and others with brains that would be able to tell what a rotten system prison life really is. It's a continual regimentation process."

Popeye Jackson, a member of the United Prisoners Union, said George Jackson "could have done more to help the UPU organization get going than any man alive. He was an organizer and he had read and learned all the writings of Fanon, Che, Mao, Nkruma, Marx and others and knew what they meant to the struggle."

Since the incident between Blacks and Chicanos at San Quentin, there has been a reaffirmation of the coalition and Black leaders have been said to be getting the harassment. A number of Black inmates have been reported to be in isolation and many of prison acquaintance believe this is the reason that investigation privileges have been denied between the time of Jackson's death on August 21 and last Saturday when a white press trio and the Dellums delegation were admitted.

OTHER PRISONS

Two hundred Deuel Vocational Institute inmates rioted, Superintendent L. N. Patterson reported July 12, and a 38-year-old prisoner, Thomas O'Neil, was the victim of the stabbing. He died while standing in front of his cell, it was reported.

In San Francisco members of dozens of law firms joined in a civil rights suit calling county jails unfit for human habitation.

Missing, the suit claimed, were adequate food, medicine, sanitary conditions and educational and recreational facilities. Other complaints said medical care was bad, in that doctors see 100 patients in less than four hours.

Attorney M. Lawrence Popofski reported that the San Francisco prison scene was one of inadequate beds, clothing and blankets and that "the law of the jungle prevails, with sleeping facilities going to the strongest."

REPRESSION

According to a July 15, 1970, report, there were 3,500 members of the California Correctional Officers Association. They survive solely because the death penalty protects them from the long-term inmate. Since that time, guards have been increased at San Quentin and other prisons. On August 15, Associate Warden James Park said that the prison would have to be taken back to being an old-fashioned one.

The prisoners claim that repression and bad conditions are what they are fighting. They want, according to the United Prisoners Union, the abolition of the indeterminate sentence. Also included in their demands are: an investigating committee of state legislators, better quality and quantity of food, sanitary conditions, lowering of canteen prices, an accounting of canteen profits, equality of privileges for inmates throughout all cell blocks; doctors on a 24-hour basis, health and sanitation checks, and end to general harassment, and the right of Chicano and Black inmates to relate freely to their own cultural styles.

[From the New York Times, Sept. 14, 1971]
**REFORM IN "VICTIMLESS CRIME" LAWS URGED
 AT LEGISLATIVE HEARING**
 (By Ric Pace)

To alleviate the overcrowding of prisons and other weakness of the criminal justice system, Investigation Commissioner Robert K. Ruskin and other high officials urged reforms in laws concerning gambling and other "victimless crimes."

At a legislature hearing here yesterday, they cited the bloodshed at Attica Correction Facility as a symptom of longstanding ills in the penal system; and it seemed likely that the proceedings would spur calls for swift reforms.

William J. vanden Heuvel, chairman of the city's Board of Correction, said, "To use prisons as a warehouse for the 'victimless' criminals is an ordinate waste of money."

He said "the whole respect for the law" was undermined by spotty enforcement of legislation against such so-called victimless crimes as prostitution, homosexuality and gambling.

The day-long session was held by an ad hoc state legislative committee on victimless crimes. The committee members present were Assemblyman Antonio Olivieri, Manhattan Democrat, and Stephen Solarz, a Democrat from Brooklyn. The hearings were held at the headquarters of the Association of the Bar of The City of New York, at 42 West 44th Street.

COURT BURDEN CITED

"Jails are overcrowded, courts are overburdened, and justice is dispensed in assembly line fashion" said Mr. Ruskin, speaking in a personal capacity. He said it was essential that gambling, homosexual and prostitution laws be changed for several purposes. These included conserving police energies for more serious crimes, lightening the load on the courts, and reducing police corruption.

Assemblyman Olivieri, in an interview after the session, said that probably 20 per cent of the prisoners at Attica and other state prisons had been convicted of victimless crimes. This figure, he said, excluded narcotics offenses.

"Attica Prison is a prime example of what happens when we fill our jails to the overcrowding point because we are arresting and imprisoning people that belong in medical treatment facilities," he declared.

"If you could reduce the prison population by even 20 per cent you could concentrate the limited funds available on significant rehabilitation and work programs."

"The prison situation is only one of the many reasons to reform our laws on victim-

less crimes, but it is a prime example of the need for immediate change in the rehabilitation system."

Specific changes in the law were proposed by Assistant District Attorney Kenneth Gribetz, speaking for Manhattan District Attorney Frank S. Hogan.

Mr. Gribetz recommended legalizing consensual sodomy or treating it as a social rather than a criminal problem. He also spoke in favor of changing alcoholic beverage laws to substitute fines for all prison sentences, and of changing laws that provide for imprisoning peddlers and drunks.

The tenor of the statements by the eight speakers was overwhelmingly in favor of liberalizing laws concerning gambling, prostitution and homosexuality.

But a fervent dissenting statement was made by former City Controller Mario A. Procaccino.

Mr. Procaccino, a former mayoral candidate said:

"I urge you to reject (appeals) to emasculate laws dealing with homosexuality and prostitution. Rather, I urge you to strengthen these laws."

"Today, New York City, encouraged by the present city administration, has become a mecca for crime, dissension, polarization, lawlessness, filth and corruption, as well as a city under siege by criminals, pimps, prostitutes and homosexuals."

"Over recent years, those I call the 'limousine liberals' as well as certain other tinhorn politicians, liberals, leftovers and left-outs have encouraged the phony 'cult of permissiveness' syndrome. The sexual freaks of both sexes, flaunting their perversions in the current atmosphere, now have the temerity to demand that our legislature condone bestial carnality."

The hearings are to continue today and tomorrow.

The critical question before this country is, Where do we go from here? There is some obvious sentiment to further restrict the freedom in prisons and to make laws more repressive. This is not the way. Restriction of freedoms and additional repressive laws only exacerbate an already explosive and dangerous condition.

Progressive and far-reaching prison reform legislation is needed. The critical areas are structure of prison systems, inmate participation in those decisions which directly affect their lives, reform of the administrative processes both within and outside of prisons, extension of civil liberties and civil rights to prisoners, reform in the criminal justice system, in the laws, and, most importantly, the removal of those badges of sin which ex-convicts carry for the rest of their lives because society will not let them forget their crimes.

Only by removing ourselves from this perpetual dance of death can men be men with a sense of humanity and pride. I submit that now is the time to begin.

Mr. RYAN. Mr. Speaker, what began at Attica prison last Thursday as a long-foreseeable protest against inhuman prison conditions has ended in a blood-bath that can only bring shock and sorrow to all Americans.

Forty-one people are now dead. Some were guards. Some were inmates. All were human beings.

Amid the contradictions and uncertainties still surrounding many aspects of this tragic occurrence, a series of much larger questions must be faced. No inquest can retrieve the lives that have

been lost. It can only provide a glimpse of wisdom for the future.

We must realize that our system of criminal justice is archaic and in chaos. It does not represent an enlightened administration of justice.

Our correctional institutions do not correct. Their most consistent achievement is in the tempering and shaping of inmates into finely honed weapons, weapons which one day will be turned against society again. Our prison system all too often brutalizes rather than rehabilitates. Only 2 weeks before the Attica uprising, a State legislative committee deemed New York's penal system so bad that it found the term "correction" as applied to the system, a farce.

Overcrowding, inadequate facilities, and poorly trained staff plague our prisons. There is a pressing need for modernization, and enlargement of confinement facilities. But prison reform will not be achieved by building bigger jails with higher walls.

The rate of recidivism is currently 60 to 70 percent. Our prisons are virtually graduate schools of crime. Our corrections system must be used to break the crime cycle, rather than reinforce it.

It is a tragic fact that our public leadership has not responded with the courage, the commitment, and the insight demanded by the profound gravity of this problem.

We have witnessed a dreadful nightmare at Attica. Now we must insure that that nightmare is not an omen of things to come. Out of the bloodshed at Attica must come the recognition that this country has been living on borrowed time in its failure to correct the abysmal and inhuman conditions that make life intolerable in virtually every one of our penal institutions. It is high time we committed this Government and the people of this Nation to a total effort to meet the problem of criminal rehabilitation.

In the aftermath of the tragic loss of life at Attica, there has been widespread shock, bewilderment, and anger. But there must be something else as well—there must be a deepening and real concern over the basic failures of our prison system, failures that can never be remedied by the spilling of blood.

This Congress has a responsibility to look into those failures, and to act to correct them. To this end I urge that the House Judiciary Committee conduct a full and exhaustive investigation into the entire matter of penal reform. Hopefully such an investigation can start us down the road to insuring that the horrors of Attica are never repeated again.

Mr. BELL. Mr. Speaker, the total bankruptcy of the correctional system in the United States has been common knowledge for those of us here in Congress for many, many years.

Long before most of us had ever heard of a place called Attica, we knew that we were living on borrowed time as far as our jails and prisons were concerned.

For years we have seen the crime rate soaring upward. We have long known that about 80 percent of the serious crime in this Nation is committed by people