

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION
May 1, 1972

A regular meeting of the Board of Correction was held on Monday, May 1, 1972, in the 14th floor Conference Room, 100 Centre Street, New York, New York 10007.

Present at the meeting were Messrs. vanden Heuvel, Becker, DeMonte, Kirby and Schulte, Rev. Wilson, and Mrs. Singer. Also present by invitation of the Board were John M. Brickman, Executive Director of the Board; Terry Strauss, Research Assistant, Criminal Justice Coordinating Council, Michael J. Dontzin, Counsel to the Mayor; and Benjamin J. Malcolm, Commissioner; George M. Camp, Assistant Commissioner; Joseph D'Elia, Director of Operations and Ronald Zweibel, Director of Legal Affairs, all of the Department of Correction. Mr. vanden Heuvel acted as Chairman and Mr. Brickman as Secretary of the meeting.

The Chairman called the meeting to order at 3:15 P.M. Upon motion duly made and seconded, the minutes of the meeting of April 3rd were approved.

The Chairman announced that he had prepared a draft letter to New York County District Attorney Frank Hogan regarding the case of the "Tombs Seven," and would offer it to the Board for their approval and signature. He declared that the letter urged Mr. Hogan to treat the defendants as the Kings and Queens County District Attorneys have handled similar cases from the October, 1970 riots in their jurisdictions, and added that the draft letter made four points (1) that defendants in similar circumstances should be treated the same; (2) the courts and ancillary agencies should not be tied up with matters that could be settled otherwise; (3) the defendants in question pose difficult problems for the Department of Correction in terms of their continued incarceration in detention; and (4) all responsible observers agreed that the prisoners' grievances were valid.

At the request of Messrs. Schulte and DeMonte, Mr. Brickman was asked to prepare a memorandum describing the case, as well as reporting the outcome of the Kings and Queens County cases. The matter was tabled pending distribution of that memorandum.

Mr. Brickman then described difficulties he had encountered in court the previous evening, in connection with a matter involving a member of the Board staff. A general discussion of the matter followed; Mr. Brickman was asked to speak to the staff member in question and to advise the person of the Board's feelings and the Chairman agreed to inform Commissioner Malcolm of the situation.

The Chairman then declared that he received a letter from Commissioner Malcolm, dated April 27, describing certain problems the Commissioner said he had encountered in his relations with the Board. Copies of the letter were distributed, and a general discussion of its contents ensued.

The Chairman declared that the Board could easily be critical vis-a-vis the Department, but chose to take an activist, constructive role, which necessary made the relationship more complex. As examples of the role the Board has sought to play, he cited its efforts in the Clergy Volunteer Program, methadone detoxification and inmate suicide aides. In connection with the problem of access to the prisons by Board Staff, the Chairman declared that the Department must understand that unlike the press, outside volunteer groups or other agencies, the Board is unlike regular visitors and has a right and a duty to be in and out of the prisons regularly.

At this point, Mr. Kirby, Ms. Strauss and Messrs. Dontzin, Malcolm, Birnbaum, Camp, D'Elia and Zweibel entered the meeting.

Commissioner Malcolm declared that he wished to make it clear from the outset that neither he nor any number of the Executive Staff of the Department has any desire or intention for the Board and Department's relationship to revert to its pre-1972 status. He added that when the relationship began to show signs of breaking down, he would put matters on the table and seek to work them out.

Commissioner Malcolm then declared that several recent occurrences had disturbed him. First, he said, he was unhappy with the conduct of the media luncheon meeting of April 21. He had hoped, he said, to use the session to alert the media to several upcoming items in the City Council, and he was disturbed that the minority press was not represented at the meeting.

The commissioner declare that it had been his understanding that only one television crew would cover the "gang leaders" visit to the Manhattan House of Detention on April 26; he added that he believed it was unfortunate that Commissioner Ted Gross of the Youth Services Administration and Deputy Commissioner Benjamin Ward of the Police Department had not been informed of the planned visit.

Next, he said, he felt that questions asked him during his testimony before the Board's Chaplaincy Task Force, hearing on April 25 were focused too closely on the matter of chaplains' selections and appointment. He added that he found the membership of the Task Force not to be revelant to the general makeup of the prison population.

Commissioner Malcolm declared that he was also upset by what he saw as problems related to the agreement governing access of Board staff to the prisons. He declared that staff members were visiting the prisons between 4 p.m. and 6 p.m., at a time when inmates were feeding, etc.

Commissioner Birnbaum declared that there were problems concerning certain literature coming into the institutions. He declared that there were those in the institutions who would welcome revolution rather than change, and added that some of this literature appeared to be in that vein. Most of it, he declared, enters the prisons in multiple mailings, from a number of different sources. He declared that those sources included Peking, China, and certain recently formed groups, some of which were formed by ex-inmates (in particular, Alfred "Hap" Gary). He offered examples of the materials, and declared that they were found in particular on one floor of the Manhattan House of Detention. He said that a periodical called Peking Review had been sent to Stanley King and other inmates.

The Chairman asked Commissioner Birnbaum whether it should be excluded just because it came from China. The Chairman added that the debate over such matters is as old as man, and that prisoners will often turn to such literature out of nothing more than boredom. As an alternative, he declared, he would offer to recruit scholars such as Sol Padover (the noted Jeffersonian expert) to work with a study group of inmates.

Commissioner Malcolm declared that the literature causes problems for him and his staff in administering the prisons.

Mr. Kirby declared that with reference to the reading matter which described certain events following the retaking of the Branch Queens prison in October, 1970, he disagreed with the rhetoric but certainly recalled the facts himself. He declared that he had seen it himself on television, in his own living room, and that while he heard arguments concerning philosophy, no one had dealt with the facts.

The Chairman declared that he wished to reply individually to each of Commissioner Malcolm's points. First, as to the media luncheon, he declared that the Board was decidedly wrong in not having invited representatives of the ethnic press. As to Commissioner Malcolm's desire to acquaint the press with various pending legislative matters, the Chairman declared that he had no idea at the time that Commissioner Malcolm had an interest in discussing legislation, but that the luncheon was an inappropriate way to approach the media for their support, and that the Ford Foundation, because of its tax status, an inappropriate forum to make that approach. He added that if the Department suffered from a credibility gap, it was not of the Board's making.

The Chairman said that the press is sophisticated, and won't be anybody's spokesman. The Department has taken, he said, a national leadership role in correction reform, and the media can be effective ombudsman in that context. The Chairman added that he does not intend to work through Mr. Castro as a spokesman or use him as a channel to take the press into the prisons.

Mr. Becker declared that it was his belief that public relations depends upon who is handling it. As an example of good public relations, he cited Deputy Commissioner Robert Daley of the Police Department.

Reverend Wilson declared that the media were not concerned with "good" news and that the black press must be made aware that they have a responsibility to attend and report on prison matters.

As to the warden's bill pending in the City Council, the Chairman offered to set up a meeting for Commissioner Malcolm with John Oakes of the New York Times and Reuben Maury of the Daily News.

Commissioner Malcolm and Mr. Dontzin declared that they would welcome the opportunity to meet with the editorial writers. The Chairman also added that Mr. DeMonte could be of help on the matter.

The Chairman declared that as far as the problems relating to the gang visit were concerned, it was unfortunate that several television crews had appeared at the prison, since the Board had given the story to WCBS-TV as an exclusive. Mr. Zweibel declared that the teaching of gangs was not necessarily Stanley King's only motive in suggesting the visit. Mr. Kirby responded that he knew Harlem and youth groups, and based upon the coverage he saw, that was the only motive which came over to him. Reverend Wilson added that the big thing was to hear Mr. King say what he said, and that his motive was irrelevant. Mr. Becker added that when Mr. King called him to suggest the visit, there was no indication that he expected any press to attend. Mr. Becker further stated that contrary to Commissioner Malcolm's assertion that Commissioner Ted Gross should have been

notified, Commissioner Gross himself had arranged for the particular gang's participation. Commissioner Birnbaum declared that other gangs could also have been invited.

Mr. Dontzin declared that it was a good story, but others should have been found to whom the gangs could have spoken. The Chairman declared that the Board did find other inmates; he cited the examples of Mr. Salaam of the 8th floor and random inmates on the 10th floor.

The Chairman declared that with respect to the Chaplaincy Task Force, there was some degree of concern on the day of the Commissioner's appearance that the Commissioner was late, and that he was reported to the Board to be on the Long Island Expressway when in fact he was at City Hall. He added that in terms of the Task Force makeup, the membership included three blacks, two with prior prison experience; a Roman Catholic Puerto Rican priest; a woman minister who is pastor of a church in East Harlem; and an attorney-priest with four years experience as Chaplain of the Cook County Jail.

Mr. Dontzin explained the history behind the methods of appointment of the chaplains, and declared that it used to be a political matter. He declared that ultimately the Mayor's office now appoints chaplains.

The Chairman then discussed the Board staff problems in the prisons. He declared that it was his understanding that there was an agreement that staff be admitted, but that there were frequent problems. He declared that the matter should be cleared up, he said that he understood that there was going to be a teletype order issued in the matter, and asked what the present problem was. Commissioner Malcolm replied that Board staff employees would have the same access as members of the Board.

Mr. Brickman declared that that was true, but the staff nonetheless has had problems of access, particularly at the Manhattan House of Detention. Chief D'Elia declared that Mr. Brickman should simply call him when there is a problem, and that he would see that it was cleared up then and for the future. Mr. Brickman replied that he did call Mr. D'Elia's office and that while problems were quickly resolved for the present, the fact of Mr. D'Elia's intervention seemed to have no prospective effect on the administration of the Manhattan House of Detention. Mr. Brickman declared that for his part, he would exercise strict control over his staff to make sure that they did not violate Departmental regulations or alienate Departmental employees, but that on the other hand he would in no way tolerate any employee of the Department who would abuse or otherwise yell at his staff. He declared that if any employee of the Department had a problem with a staff member of the Board, the proper route was for the employee of the Department or his supervisor to communicate

with the Chairman or Mr. Brickman, and not for the Departmental employee to remonstrate directly with the Board employee.

At 6:25 p.m. Ms. Strauss and Messrs. Dontzin and Zweibel left the meeting.

In response to a question, Commissioner Malcolm declared that former Commissioner George F. McGrath was still on the City payroll as an advisor to the Mayor on Correctional matters, and that a car and chauffeur were assigned to him. Mr. Schulte declared that in his judgment this was outrageous. Commissioner Malcolm replied that the assignment of the car and chauffeur had been made by the Mayor.

Mr. vanden Heuvel declared that the Board wished to have representatives attend a series of inmate disciplinary hearings. Commissioner Malcolm declared that this was possible.

The Chairman discussed the Prison Death Review Board, and declared that it was his understanding that a grand jury might raise questions on the first suicide this year.

Commissioner Malcolm declared that he believed that the meeting had been a healthy and honest one.

Upon motion duly made and seconded, the meeting was adjourned at 6:30 p.m.

The next meeting of the Board will be held at 3:00 p.m. on June 5, 1972 at the 14th floor Conference Room, 100 Centre Street.