

COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

SUBCOMMITTEE ON CORRECTIONS AND REHABILITATION

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Verbatim report of hearing held in
Majority Caucus Room, Main Capitol
Building, Harrisburg, Pennsylvania,
on Tuesday,

October 28, 1975
9:30 a. m.

* * *

Hon. Charles P. Hammock, Chairman
Hon. David P. Richardson, Acting Chairman

Members of Subcommittee

Hon. Michael Bishop	Hon. Raymond F. Lederer
Hon. Lucien E. Blackwell	Hon. Marvin E. Miller, Jr.
Hon. Ronald R. Cowell	Hon. Frank L. Oliver
Hon. D. Michael Fisher	Hon. Joseph Rhodes, Jr.
Hon. William D. Hutchinson	Hon. Anthony J. Scirica
Hon. George O. Wagner	

Reported by:
Michael P. Elliott

Prepared under the direction
of the Chief Clerk's Office,
Vincent Scarcelli, Chief Clerk

APPEARANCES:

John W. Hartman, Esquire

Robert Kagan, Esquire

Counsel for the Committee

ALSO PRESENT:

Kent Adami

Carl Burnell

Jonathon Cousins

Sam McClea

Members of Staff

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REPRESENTATIVE RICHARDSON: I would like to call this second meeting to order under the Task Force to Study Juvenile Incarceration, under the Subcommittee on Corrections.

This is our second day of hearings. As you are well aware, we are concerned at this time with the problems and incidents that have occurred at the Camp Hill Institution.

There is a prepared agenda that is being run off at this present moment, and it is my understanding that as of last evening, after subpoenas were served, that at present there are four young people who are here and who are being brought downstairs now.

Our first witness this morning will be Joseph S. Snyder, along with his counsel.

I would suggest that this House recess for five minutes until they are brought down. They are being brought down from Room 401. So this House can remain at ease for five minutes.

(Short recess.)

REPRESENTATIVE RICHARDSON: The time of the recess having expired, I would like to call to the stand at this time Mr. Joseph S. Snyder, along with his counsel.

MS. CHOMSKY: Could I have one second, please?

REPRESENTATIVE RICHARDSON: Yes.

While Ms. Chomsky is conferring with her client, I would like to take this time to identify the Members of the Committee - those who are here.

(Committee Members and Staff Members were introduced.)

JOSEPH S. SNYDER, called as a witness, being first duly sworn according to law, testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q Would you state your name very loudly for the record, and where you presently are?

A My name is Joseph S. Snyder.

Q And where are you presently?

A At the State Correctional Institution.

Q Where?

A Camp Hill.

Q For the record, will you let me know if you are represented by counsel?

A Yes.

REPRESENTATIVE RICHARDSON: Would you please state

your name?

MS. CHOMSKY: Judith Chomsky.

BY REPRESENTATIVE RICHARDSON:

Q Mr. Snyder, do you know the seriousness of this matter that you are presently sitting before this Committee for?

A No, I do not.

Q If I told you as a result of the incidents that have occurred at the Camp Hill Institution, you were requested to be here yesterday morning, and as a result of which you did not show, that we subpoenaed Superintendent Patton to make sure that you got here this morning; did you receive a subpoena to be here this morning?

A Yes.

(Mr. Snyder consulted with his counsel
at this time.)

BY REPRESENTATIVE RICHARDSON:

Q Do you understand the seriousness of this particular hearing, now that you know you received a subpoena to be here, and all of the things that are involved?

A Yes.

Q Do you know how important it is that you tell the

truth about what happened and has occurred regarding the incidents that happened at Camp Hill?

A Yes.

Q Other than the subpoena that you received, did anyone force you to come here this morning?

A No.

Q Are you willing to testify before this Committee concerning any information that you might have as to any incidents that occurred at Camp Hill within the last month?

A Yes.

Q Have you talked to your parents about this matter?

A Well, I seen them, yeah, but I didn't talk to them about what actually happened. I wrote them a letter, yes.

Q You wrote them a letter?

A Yes.

REPRESENTATIVE RICHARDSON: Are the parents of Joseph Snyder present?

MRS. SNYDER: Yes.

REPRESENTATIVE RICHARDSON: Would you make chairs available for Mr. and Mrs. Snyder to sit next to their son? I would like to have Mr. and Mrs. Snyder come forward, please.

PATRICIA A. SNYDER and CLARENCE A.

WESSLER, recalled as witnesses,

having been previously sworn, according to law, testified as follows:

REPRESENTATIVE RICHARDSON: Mr. and Mrs. Snyder, you know that you are still under oath from yesterday?

MRS. SNYDER: Yes.

MR. WISSLER: Yes.

REPRESENTATIVE RICHARDSON: I just wanted to make you aware of that.

Mr. and Mrs. Snyder, do you have any objections to your son testifying here this morning to the Task Force to Investigate Juvenile Incarceration at the Camp Hill Institution this morning?

MRS. SNYDER: No, sir.

MR. WISSLER: No, sir.

REPRESENTATIVE RICHARDSON: You are aware of the fact that the press is here and that there are other Members of the Camp Hill Institution also present, and that also, as of this present moment, your son is still incarcerated at Camp Hill, but you still feel the same way about him testifying?

MRS. SNYDER: Yes.

MR. WISSLER: Yes, sir.

REPRESENTATIVE RICHARDSON: Based on those remarks, Joe, do you still want to testify, knowing that the press is here, and administration and correctional officers from Camp Hill; are you still willing to testify?

MR. SNYDER: Yes.

REPRESENTATIVE RICHARDSON: Counsel, do you have anything that you want to say this morning?

MS. CHOMSKY: No, I don't.

REPRESENTATIVE RICHARDSON: On or about the 15th of October, there was an incident that occurred at the Camp Hill Institution. What I would like for you to do at this time is to relax, speak up loudly and clearly, so we can hear you. Any questions that you do not understand, Joe, ask that we repeat them over. Any questions that you do not wish to answer you can consult with your attorney and with your mother and father. And if you at any time during the hearing this morning have any problems, please address this Committee and let them know you do have such. And we want you to remember that you are under oath. It means that you are swearing to tell the truth about what you know. And I don't want you to feel that you are being intimidated in any manner.

And, as I said to the two juveniles who testified before this Committee yesterday, I will take all steps

and I heard a door open. And I thought it was for my shower, so I went to my gate, and I looked down the tier. I seen Sergeant Stotelmyer and Sergeant Benner, Officer O'Ross and Officer Forker -- I didn't know his name at the time -- I later found out it was Mr. Forker.

REPRESENTATIVE RICHARDSON: Take your time now. What I want you to do is, if they are present in this courtroom, will you point them out -- the Officers that you just named? Sergeant Stotelmyer, where is he? Is he in this courtroom?

MR. SNYDER: Yes; the third in the second row from the end.

CHAIRMAN HAMMOCK: Will you describe what he is wearing?

MR. SNYDER: Officer Forker is --

REPRESENTATIVE RICHARDSON: No; describe what he is wearing.

MR. SNYDER: Well, he has on a plaid suit with a blue tie. I don't know what kind of design.

REPRESENTATIVE RICHARDSON: Would Sergeant Stotelmyer stand up?

MR. KIRSCHNER: If the Committee please, my name is Richard Kirschner, and I am counsel for a number of

the Correctional officers that are here voluntarily today. I would respectfully request that they not be asked to stand here or otherwise be asked to testify until they have been formally sworn and the Committee has --

REPRESENTATIVE RICHARDSON: He has already been sworn.

MR. KIRSCHNER: I beg your pardon?

REPRESENTATIVE RICHARDSON: Sergeant Stotelmyer has already been sworn.

MR. KIRSCHNER: Very well, sir. Then I would respectfully request that if there is to be anything further undertaken with regard to the Sergeant, that he be invited to appear at the table and he will be represented by counsel, and appropriate advice given to him at that juncture.

REPRESENTATIVE RICHARDSON: Very good. My understanding is that he certainly can be identified by a witness, which is all I asked him to do -- to identify someone here in this room, just what I would ask if you were present and I wanted someone to identify his counsel. That is all I am asking.

MR. KIRSCHNER: Yes, sir. And I think there is nothing wrong with the witness being asked to identify people in the room. I am going to respectfully ask, however, sir,

that the people whom I represent not be requested to do anything until they have been called to the stand.

REPRESENTATIVE RHODES: We haven't asked him to.

MR. KIRSCHNER: Yes. He was asked to stand, Representative Rhodes.

REPRESENTATIVE RHODES: Oh, I see; don't stand.

REPRESENTATIVE RICHARDSON: Don't stand; raise your hand. (Robert E. Stotelmyer, Jr. raised his hand at this time.)

Thank you.

All right. Thank you. Go ahead -- Sergeant Benner, you said?

MR. SNYDER: Sergeant Benner.

REPRESENTATIVE RICHARDSON: Is he here in this room?

MR. SNYDER: Yes. He is sitting next to Sergeant Stotelmyer.

REPRESENTATIVE RICHARDSON: Describe him.

MR. SNYDER: He has a white tie on, with a blue shirt.

REPRESENTATIVE RICHARDSON: Okay, go ahead.

MR. SNYDER: And Officer Forker is sitting in the back row.

MR. SNYDER: No, I don't.

REPRESENTATIVE RICHARDSON: Are you saying that you were taken to the Mohawk area -- what they call the Behavioral Adjustment Unit -- and from there you think it was Officer Forker who took you to the doctor?

MR. SNYDER: Yes. I was in 26 Cell, and Mr. Gaviga asked me if I'd like to see the doctor, and I said, yes. So then I think Officer Forker came and got me and took me.

REPRESENTATIVE RICHARDSON: Okay, go ahead.

MR. SNYDER: Then I had gone back to my cell, and nothing occurred that night. I want to court the next day, and they gave me two weeks BAU Perm. So I was in my cell, and I was back in 26 Cell on the AC side.

REPRESENTATIVE RICHARDSON: BAU is what?

MR. SNYDER: Behavioral Adjustment Unit.

REPRESENTATIVE RICHARDSON: What is that?

MR. SNYDER: That's the one side. That's where there's no lights in your cell, or nothing like that.

REPRESENTATIVE RICHARDSON: What do they call it?

MR. SNYDER: I don't know.

REPRESENTATIVE RICHARDSON: If I told you they called it solitary confinement, do you believe that would be correct?

MR. SNYDER: No, I wouldn't say so.

REPRESENTATIVE RICHARDSON: Do you know what solitary confinement is?

MR. SNYDER: It means confined to your cell twenty-four hours a day, with little to eat, and things like that.

REPRESENTATIVE RICHARDSON: And on the BAU side -- is that a similar type of treatment that is done on that side?

MR. SNYDER: Well, you only come out for showers, I'd say, about for ten minutes, so I can't call that solitary confinement.

REPRESENTATIVE RICHARDSON: But you are there most of the day, though, right?

MR. SNYDER: Yes.

REPRESENTATIVE RICHARDSON: You don't come out with the rest of the population?

MR. SNYDER: No.

REPRESENTATIVE RICHARDSON: You eat in your cell?

MR. SNYDER: Yeah.

REPRESENTATIVE RICHARDSON: And that's where they placed you?

MR. SNYDER: Yes.

REPRESENTATIVE RICHARDSON: Then after you came

back from the doctor, they put you on the AC side?

MR. SNYDER: I was on the AC side all the time. And they took me to the doctor's from the AC side. I went back to the AC side. I went to court the next day, and they gave me two weeks BAU Perm. Then they took me back to the same cell, but they didn't put me on the BAU side. When I was on the same side, the AC side, later that day Sergeant Stotelmeyer had walked in front of my cell and said, "You all right?" And I said, "Yes." And he said, "You'd better be all right." And I didn't pay no attention to the remark whatsoever.

Then on the 18th -- nothing occurred between those days, except that I was moved over to the BAU side. On the 18th, Officer Yon had come to the front of my cell.

REPRESENTATIVE RICHARDSON: Officer Yon?

MR. SNYDER: Yes.

REPRESENTATIVE RICHARDSON: Is he in this room?

MR. SNYDER: Yes.

REPRESENTATIVE RICHARDSON: Where is he sitting?

MR. SNYDER: Seated right behind me.

REPRESENTATIVE RICHARDSON: Indicating directly behind you or --

MR. SNYDER: No. He has on a red shirt and a

MR. SNYDER: Not as I can remember.

REPRESENTATIVE RICHARDSON: Were you afraid to report it, based on what he said?

MR. SNYDER: No.

REPRESENTATIVE RICHARDSON: You were not afraid to report it?

MR. SNYDER: No.

REPRESENTATIVE RICHARDSON: Did you discuss that with me when I visited with you on Thursday?

MR. SNYDER: Yes.

REPRESENTATIVE RICHARDSON: Had anyone else been to see you before my visitation on Thursday?

MR. SNYDER: Just two investigators.

REPRESENTATIVE RICHARDSON: Where did they say they were from?

MR. SNYDER: Can't say.

REPRESENTATIVE RICHARDSON: Did you tell them what you are telling me this morning?

MR. SNYDER: No. I left out some parts, because I was so scared at the time to talk to them.

REPRESENTATIVE RICHARDSON: Did you know who they were?

MR. SNYDER: No. I can't remember their names. I

never seen them before.

REPRESENTATIVE RICHARDSON: In other words, you are saying that you felt uncomfortable talking to these two investigators; is that correct?

MR. SNYDER: Yes.

REPRESENTATIVE RICHARDSON: Go ahead and continue from there.

MR. SNYDER: Well, that's all I can actually think of.

REPRESENTATIVE RICHARDSON: As a result of the banging of the head and choking and the handcuffing, did you receive any scars on your person, on your body?

MR. SNYDER: Well, I have one here from the handcuffs. (Indicating) I have one up here from the scratch, and I have a few on my forehead (indicating.)

REPRESENTATIVE RICHARDSON: Could you hold your hair up again, sir?

(Mr. Snyder complied with Representative Richardson's request.)

REPRESENTATIVE RICHARDSON: Your wrist -- you indicated that there was some mark on your wrist. Could you

hold that up for the Committee to see?

(Mr. Snyder complied with Representative Richardson's request.)

REPRESENTATIVE RICHARDSON: And that happened as a result of --

MR. SNYDER: The handcuffs being too tight.

REPRESENTATIVE RICHARDSON: Did you ask them to loosen them?

MR. SNYDER: No.

REPRESENTATIVE RICHARDSON: Were you afraid to ask them to loosen them?

MR. SNYDER: I couldn't have. They was choking me. I couldn't even talk.

REPRESENTATIVE RICHARDSON: Going back over this, Mr. Snyder, do you know about what time that was?

MR. SNYDER: No, I can't actually say.

REPRESENTATIVE RICHARDSON: Okay, was it during the morning hours?

MR. SNYDER: No; at night-time.

REPRESENTATIVE RICHARDSON: It was at night?

MR. SNYDER: Yes.

REPRESENTATIVE RICHARDSON: Was it after the

concert or before?

MR. SNYDER: After the concert.

REPRESENTATIVE RICHARDSON: After the concert.

What time did they get back from the concert, if you can remember?

MR. SNYDER: I don't know.

REPRESENTATIVE RICHARDSON: Okay.

Have these kinds of incidents been going on at this Institution prior to this particular incident on the 15th?

MR. SNYDER: Well, I've seen them -- Sergeant Stotelmyer -- take a youth from 14 Cell, pulling his hair and pulling his handcuffs up behind his back real far, and things like that. I never seen guards beating up inmates like they beat me.

REPRESENTATIVE RICHARDSON: Have you seen anyone being choked before?

MR. SNYDER: No.

REPRESENTATIVE RICHARDSON: Weren't you ready to be released from that Institution?

MR. SNYDER: Yes.

REPRESENTATIVE RICHARDSON: When were you supposed to be released?

MR. SNYDER: I don't actually know, but I got

recommended for release October 2nd.

REPRESENTATIVE RICHARDSON: October 2nd?

MR. SNYDER: Yes.

REPRESENTATIVE RICHARDSON: Do you think this is a recurring factor; that when you are getting ready to be released, these kinds of incidents occurred before you are released?

MR. SNYDER: No.

REPRESENTATIVE RICHARDSON: You don't think that?

MR. SNYDER: No.

REPRESENTATIVE RICHARDSON: So, in other words, this just happened to be an isolated situation; that it just so happened that your friends and you, on this particular day, were beaten up?

MR. SNYDER: Yes.

REPRESENTATIVE RICHARDSON: To your knowledge, did anyone see you beaten and grabbed by the throat?

MR. SNYDER: Yes.

REPRESENTATIVE RICHARDSON: Other inmates there?

MR. SNYDER: Other inmates, yes, other inmates seen it, yes, sir.

REPRESENTATIVE RICHARDSON: Any other guards see it?

MR. SNYDER: No.

REPRESENTATIVE RICHARDSON: Other than the four guards that you named, did you see any other guards that day while you were taken down to Mohawk?

MR. SNYDER: Yes.

REPRESENTATIVE RICHARDSON: Did they say anything?

MR. SNYDER: No.

REPRESENTATIVE RICHARDSON: At this time I would like to call on Representative Hammock, Chairman of the Subcommittee.

CHAIRMAN HAMMOCK: Thank you, Representative Richardson.

Would you give me your full name again?

MR. SNYDER: Joseph Shane Snyder.

CHAIRMAN HAMMOCK: How old are you, Joe?

MR. SNYDER: Fifteen.

CHAIRMAN HAMMOCK: How long were you at Camp Hill before this incident happened to you?

MR. SNYDER: I would say almost six months -- five and a half months.

CHAIRMAN HAMMOCK: Five and a half to six months?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Did anybody ever beat you or

threaten you before?

MR. SNYDER: No.

CHAIRMAN HAMMOCK: So this is the first time it happened?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: And it happened because there was some incident that occurred that night, something that started because of a fire? And were you in your cell room?

MR. SNYDER: Yes, I was in my cell.

CHAIRMAN HAMMOCK: And somebody came into your cell?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Who came into your cell?

MR. SNYDER: Sergeant Stotelmyer, Sergeant Benner, Officer O'Ross and Officer Forker.

CHAIRMAN HAMMOCK: Why did they come into your cell?

MR. SNYDER: I don't know.

CHAIRMAN HAMMOCK: Did they ask you whether or not you were throwing paper or starting a fire?

MR. SNYDER: No, sir.

CHAIRMAN HAMMOCK: They didn't ask you any question?

MR. SNYDER: No, sir.

CHAIRMAN HAMMOCK: They just came into your cell?

MR. SNYDER: Yes, sir.

CHAIRMAN HAMMOCK: And somebody grabbed you, is that right?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Who put his hands on you first?

MR. SNYDER: Sergeant Benner.

CHAIRMAN HAMMOCK: What did he do?

MR. SNYDER: He grabbed me by the shoulder and arm and turned me over on the bed.

CHAIRMAN HAMMOCK: Did he hit you when you were on the bed?

MR. SNYDER: No. I was just kicked.

CHAIRMAN HAMMOCK: Somebody kicked you?

MR. SNYDER: Yes. And I was punched in the side.

CHAIRMAN HAMMOCK: Punched in the side?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: And then they took you out of the cell at some point, is that right?

MR. SNYDER: Yes, after I was handcuffed.

CHAIRMAN HAMMOCK: You were handcuffed while you were in the cell?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Then you were taken out of the

cell?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Who took you out of the cell?

MR. SNYDER: The four guards.

CHAIRMAN HAMMOCK: What did they do immediately after taking you out of the cell?

MR. SNYDER: Immediately? Started choking me.

CHAIRMAN HAMMOCK: Somebody choked you?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Now, at some point somebody threw you down the stairs?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Who threw you down the stairs?

MR. SNYDER: I would say, the same four officers.

CHAIRMAN HAMMOCK: All four officers at the same time?

MR. SNYDER: They was behind me. None of them was in front of me. I can't say

CHAIRMAN HANNOCK: So you couldn't see, but it was the same four men that came into your cell?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: And they threw you down the stairs?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Did you hurt yourself when you went down the stairs?

MR. SNYDER: Just hit my head, that's all.

CHAIRMAN HAMMOCK: Did you tell them that you hit your head?

MR. SNYDER: No.

CHAIRMAN HAMMOCK: Did they see you hit your head?

MR. SNYDER: No.

CHAIRMAN HAMMOCK: So, after they threw you down to the bottom of the stairs, did somebody pick you up?

MR. SNYDER: Yes,

CHAIRMAN HAMMOCK: Who picked you up?

MR. SNYDER: The same four officers picked me up off my feet.

CHAIRMAN HAMMOCK: All of them together?

MR. SNYDER: I would say so, yes.

CHAIRMAN HAMMOCK: And at that time when they picked you up, were you hurt; were you in pain?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Did you tell anybody that you were in pain?

MR. SNYDER: No.

CHAIRMAN HAMMOCK: Could they see you were in pain?

MR. SNYDER: I can't actually say.

CHAIRMAN HAMMOCK: All right.

Then at some point somebody slammed your head against the wall?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Who did that?

MR. SNYDER: Sergeant Benner.

CHAIRMAN HAMMOCK: Officer --

MR. SNYDER: Sergeant Benner.

CHAIRMAN HAMMOCK: Sergeant Benner.

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Now, how did he do that?

MR. SNYDER: From the back of the head.

CHAIRMAN HAMMOCK: He pushed from the back of the head --

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: -- and forced you into the wall?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Where did this happen?

MR. SNYDER: In the BAU.

CHAIRMAN HAMMOCK: Once you got to the Mohawk area, the BAU area?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Did he push you into the cell?

MR. SNYDER: No.

CHAIRMAN HAMMOCK: Once you were in the cell, he pushed your head?

MR. SNYDER: No. This didn't occur in the cell; this occurred outside of the cell.

CHAIRMAN HAMMOCK: In other words, before you were put in the cell?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Kind of next to the cell block?

MR. SNYDER: No; it was down in front of Mohawk.

CHAIRMAN HAMMOCK: In front of Mohawk?

MR. SNYDER: Yes, inside the door there is a wall there.

CHAIRMAN HAMMOCK: Let me ask you this: Did you at any time attempt to resist these officers --

MR. SNYDER: No.

CHAIRMAN HAMMOCK: -- try to struggle back?

MR. SNYDER: No, sir.

CHAIRMAN HAMMOCK: Did you give Sergeant Benner any reason to push your head into the wall?

MR. SNYDER: All I can say is that he said, "Keep your nose on the spot," and I didn't see no spot whatsoever. And I moved an inch or two, then he pushed my head.

CHAIRMAN HAMMOCK: Now, you are in the cell. Did you tell them that you would like to see a doctor?

MR. SNYDER: Officer Gavigand came to my cell, and asked me, and I said, yes.

CHAIRMAN HAMMOCK: Now, when did that happen?

MR. SNYDER: I would say approximately twenty minutes after.

CHAIRMAN HAMMOCK: Twenty minutes after --

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: -- an officer came in?

REPRESENTATIVE RHODES: What was the officer's name who came?

MR. SNYDER: Officer Gavigand. He came and asked me if I wanted to see --

REPRESENTATIVE RHODES: Officer Gavigand?

MR. SNYDER: Gavigand.

CHAIRMAN HAMMOCK: Officer Gavigand?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: And you said, yes?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: And somebody took you to see a doctor?

MR. SNYDER: Officer Forker.

CHAIRMAN HAMMOCK: Officer Forker took you to see the doctor?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Okay.

Now, let's go back to what you saw happening to Mr. Burgh. Would you tell this Committee what you saw and when you saw it?

MR. SNYDER: Well, I saw that they was -- they had him stripped naked, pulling his handcuffs up.

CHAIRMAN HAMMOCK: You were in your cell room?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: And you saw someone doing something to Mr. Burgh?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Whom did you see?

MR. SNYDER: I seen four officers.

CHAIRMAN HAMMOCK: Which four officers?

MR. SNYDER: Officer O'Ross, Officer Forker,

Sergeant Benner, and Sergeant Stotemyer.

CHAIRMAN HAMMOCK: Those same four officers that did something to you?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: How close was your cell to Mr. Burgh's cell?

MR. SNYDER: Right next door.

CHAIRMAN HAMMOCK: Right next door?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: So you saw them; in other words, you saw them taking Mr. Burgh out of the cell?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Was your cell to the right or to the left?

MR. SNYDER: To the right -- well, if you are in his cell, it is to the right; if you are walking on the tier, it is to the left.

CHAIRMAN HAMMOCK: So, when they came by you, they came from your left?

MR. SNYDER: Yes, they came from my left.

CHAIRMAN HAMMOCK: You saw them coming from your left going to your right?

MR. SNYDER: (No audible response.)

CHAIRMAN HAMMOCK: Where is your cell in relation to Mr. Burgh's cell?

MR. SNYDER: Burg's cell is 603, and mine is 703.

CHAIRMAN HAMMOCK: Did they pass in front of you?

MR. SNYDER: No.

CHAIRMAN HAMMOCK: That is what I am trying to really establish.

How did you see them? Did you see them through the cell doors?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Doing something as they were taking Mr. Burgh away?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: So, they were going to your left, or to your right -- from where you were standing in your cell?

MR. SNYDER: To my left.

CHAIRMAN HAMMOCK: They were going away from you toward the left?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Could you actually see what was happening?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: You were able to see what was happening?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Now, this is important, Joe: Did you see any officer, any one officer or several officers, banging Mr. Burg's head against the cell blocks as he was taken away -- the bars?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: You saw that?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: What were they doing?

MR. SNYDER: They had him by his hair. He was struggling to get away from them, and they hit his head and took him down by the hair -- two hands.

CHAIRMAN HAMMOCK: You saw several do it, or one do it?

MR. SNYDER: Just one.

CHAIRMAN HAMMOCK: Who was that one person?

MR. SNYDER: Sergeant Stotelmyer.

CHAIRMAN HAMMOCK: So it was Stotelmyer you saw banging Mr. Burgh's head against the bars?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Now, Joe, we had Mr. Burgh here

yesterday, and he testified. He testified exactly to what you saw. Now, I don't know whether you know that, but we are trying to corroborate Mr. Burgh's testimony also. Now, you did see the things that Mr. Burgh testified to.

Now, at any point, did you see any of these guards -- let me ask it another way:

Did you see Mr. Burgh doing anything to any one of these guards?

MR. SNYDER: I seen him struggling to get loose; that is all.

CHAIRMAN HAMMOCK: Did you see him kick anybody or scratch anybody or bite anybody?

MR. SNYDER: No.

CHAIRMAN HAMMOCK: How many guards were doing something to Mr. Burgh?

MR. SNYDER: Four.

CHAIRMAN HAMMOCK: Four?

MR. SNYDER: I would say, four.

CHAIRMAN HAMMOCK: Is any one of these guards a tall guard?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: About how tall would you say, six feet, more than six feet?

MR. SNYDER: 6'-5"; maybe 6'-6".

CHAIRMAN HAMMOCK: Maybe 6'-6"?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Is any one of these guards a heavy-set guard?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Big?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Strong-looking?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Can you describe what the third guard looked like?

MR. SNYDER: Short, skinny.

CHAIRMAN HAMMOCK: And what about the fourth?

MR. SNYDER: Same way.

CHAIRMAN HAMMOCK: Now, Joe, let me just ask you one more question, and then I am finished.

Did you ever hear the term, "Stotelmyer and Son," when you were in jail these five and a half months?

MR. SNYDER: No. But I know his father is a captain.

CHAIRMAN HAMMOCK: Whose father?

MR. SNYDER: Sergeant Stotelmyer's.

CHAIRMAN HAMMOCK: Did you ever hear the use of the term, "Stotelmyer and Son"?

MR. SNYDER: No, sir.

CHAIRMAN HAMMOCK: Joe, I am almost finished, but would you stand up, please?

(Mr. Snyder complied with Chairman Hammock's request.)

CHAIRMAN HAMMOCK: How much do you think you weigh?

MR. SNYDER: About 135 pounds.

CHAIRMAN HAMMOCK: One hundred thirty-five?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: And you are 15 years of age?

MR. SNYDER: Yes.

CHAIRMAN HAMMOCK: Do you think it took four guards to handle you?

MR. SNYDER: No, sir.

CHAIRMAN HAMMOCK: Do you think it took four guards to handle Mr. Burgh?

MR. SNYDER: No, sir.

CHAIRMAN HAMMOCK: Thank you.

I have nothing else.

REPRESENTATIVE RICHARDSON: I would like to call

on Representative Lederer.

REPRESENTATIVE LEDERER: Joe, you claim that the reason you didn't go to the rock concert was because you really didn't want to go?

MR. SNYDER: Yes.

REPRESENTATIVE LEDERER: Do you know why Myers didn't go to the rock concert?

MR. SNYDER: Myers?

REPRESENTATIVE LEDERER: Yes.

MR. SNYDER: I think he was on restriction.

REPRESENTATIVE LEDERER: He was on restriction?

MR. SNYDER: Yes.

REPRESENTATIVE LEDERER: While the rock concert was going on, were there any guards in the block?

MR. SNYDER: No; just one. He patrols all of the wards. This was Officer Wolf.

REPRESENTATIVE LEDERER: How long would you say the rock concert lasted?

MR. SNYDER: An hour and a half.

REPRESENTATIVE LEDERER: And in that hour and a half -- this is if you can recall -- did that guard pass your cell?

MR. SNYDER: He never once came on my tier. He

was on Tier 4, I know, that one time. I seen him go past.

REPRESENTATIVE LEDERER: At least once you saw him pass Tier 4?

MR. SNYDER: Yes.

REPRESENTATIVE LEDERER: When the guards came into your cell, did they talk to you; did they command you to lie on the bed or anything?

MR. SNYDER: No, sir.

REPRESENTATIVE LEDERER: On your way to Mohawk, did you bleed at all?

MR. SNYDER: From the cut on my arm.

REPRESENTATIVE LEDERER: Are you in the BAU now?

MR. SNYDER: In the AC side of Mohawk, yes.

REPRESENTATIVE LEDERER: Have you been visited once a day by a doctor while you were there?

MR. SNYDER: No. The only time I seen the doctor was when they took me up that night.

REPRESENTATIVE LEDERER: Have any counselors come to see you while you were in BAU?

MR. SNYDER: Counselors?

REPRESENTATIVE LEDERER: Yes.

MR. SNYDER: Yes. My counselor, Mr. Bitner.

REPRESENTATIVE LEDERER: Did he discuss why you

were in the BAU?

MR. SNYDER: No. He just said that my mother was going to come see me that day. He had an appointment with her.

REPRESENTATIVE LEDERER: Did he say you were going to be given any kind of hearing, as a means of getting out of the BAU?

MR. SNYDER: No. He just said he would recommend me to get out of the BAU when I went to court; that's all he said.

REPRESENTATIVE LEDERER: He would recommend you to get out of the BAU?

MR. SNYDER: Yes.

(Mr. Snyder consulted with
his counsel.)

MS. CHOMSKY: They call it "court." The hearing they call "court."

(Mr. Snyder consulted with
his counsel.)

MR. SNYDER: Yes. They had given me two weeks' BAU Perm when I was over there.

REPRESENTATIVE LEDERER: Did he give you any idea when you would go to court?

MR. SNYDER: When I was going to go?

REPRESENTATIVE LEDERER: Yes.

MR. SNYDER: Before he came over, he said he would recommend me when I went back; that he would recommend that I get out of BAU and go back to "C" Ward.

REPRESENTATIVE LEDERER: And I may be wrong on this, but did you say that the doctor at one time said that you had better be all right, or was it one of the guards?

MR. SNYDER: It was one of the guards.

REPRESENTATIVE LEDERER: Thank you.

REPRESENTATIVE RICHARDSON: Before we move on, I would like to ask Superintendent Patton to come forward to the stand, along with his counsel, please.

ERNEST S. PATTON , recalled as a witness, having been previously sworn, according to law, testified as follows:

REPRESENTATIVE RICHARDSON: Recognizing you are still under oath, Superintendent Patton, I just have one question I would like to ask you:

Did you bring the medical records of

Mr. Joseph S. Snyder here today?

MR. PATTON: Yes, I did.

REPRESENTATIVE RICHARDSON: And we would like to know whether or not we would be able to review on October 15 his particular medical record?

MR. PATTON: Yes.

MR. KAGAN: Could we have those records, or could we go through that with the appropriate person?

MR. PATTON: Yes.

MR. KAGAN: Mr. Patton, do you have all of the records of the young gentlemen who are here today -- the medical records?

MR. PATTON: That's correct.

MR. KAGAN: Okay, so we can make this a simple procedure, can we --

MR. PATTON: I'm sorry. I have the records on the four individuals; not on those brought as witnesses. I have the medical records of those individuals who were to be brought that were under question.

MR. KAGAN: Right. When each gentleman is sworn in as a witness, just to expedite matters, we would like to then go through those records, because we would like the medical record for each individual who is here today. Would

that be possible?

MR. PATTON: Yes.

MR. KAGAN: Thank you.

MR. GILMAN: No further questions?

REPRESENTATIVE RICHARDSON: No further questions.

REPRESENTATIVE MILLER: No questions.

REPRESENTATIVE RICHARDSON: Representative Rhodes?

REPRESENTATIVE RHODES: We keep going over this again and again, because there are a couple of things we want to get on the record, Joe, about this whole incident. If it sounds repetitious, just bear with us.

First, let me ask this question: Have you ever been in Mohawk before this incident?

MR. SNYDER: No, sir.

REPRESENTATIVE RHODES: Have you ever had any write-ups to speak of?

MR. SNYDER: No, sir.

REPRESENTATIVE RHODES: You have never had any administrative write-ups?

(Mr. Snyder consulted with his counsel.)

MR. SNYDER: No, I never had a write-up.

REPRESENTATIVE RHODES: Never had a write-up?

MR. SNYDER: No.

REPRESENTATIVE RHODES: So, in terms of discipline at the Institution in the five and a half to six months that you have been at Camp Hill, you have not been in trouble before?

MR. SNYDER: Well, I can't actually say, I was in trouble. I was in water battles and things like that, but I never got written up for any of them.

REPRESENTATIVE RHODES: Now, as the Camp Hill Project proceeds, have you noticed any more trouble between the guards and the kids in the Camp Hill Project, as more kids leave Camp Hill? Has there been more trouble between the guards and the kids?

MR. SNYDER: I would say, yes.

REPRESENTATIVE RHODES: Why do you think that is?

MR. SNYDER: I don't know. I guess they don't want the juveniles to leave.

REPRESENTATIVE RHODES: They don't want you to leave?

MR. SNYDER: I would say, yes.

REPRESENTATIVE RHODES: How do you sense that there is this trouble developing between the guards and -- how

do you know that, the way kids talk, the way guards talk?

MR. SNYDER: Between the guards and the inmates, you say?

REPRESENTATIVE RHODES: Yes.

MR. SNYDER: It's hard to answer.

REPRESENTATIVE RHODES: It's hard to answer?

MR. SNYDER: Yes.

REPRESENTATIVE RHODES: Do you know of any juvenile at Camp Hill in your Ward or in any Ward who has ever thrown feces or urine on a guard?

MR. SNYDER: No.

REPRESENTATIVE RHODES: Have you ever heard of that?

MR. SNYDER: No.

REPRESENTATIVE RHODES: You never heard anything like that?

MR. SNYDER: No.

REPRESENTATIVE RHODES: Have you noticed in the last few weeks or months more kids cursing guards, using foul language to guards?

MR. SNYDER: Yes, I would say so.

REPRESENTATIVE RHODES: It has been increasing or decreasing?

MR. SNYDER: Increasing.

REPRESENTATIVE RHODES: Is this because they are leaving?

MR. SNYDER: I guess it is.

REPRESENTATIVE RHODES: Would you say that has made the guards more up-tight -- this kind of language?

MR. SNYDER: Sometimes they just ignore it, and sometimes they say something back.

REPRESENTATIVE RHODES: Are there any particular guards that get more bothered by it than other guards?

MR. SNYDER: No.

REPRESENTATIVE RHODES: You have never noticed any particular guard?

MR. SNYDER: No.

REPRESENTATIVE RHODES: Has any Camp Hill Project individual -- someone who works for the Camp Hill Project -- a counselor, say, has anyone from the Camp Hill Project ever come to you and urged you to testify today before this Committee or in a court of law against the guards?

MR. SNYDER: No.

REPRESENTATIVE RHODES: Has anyone ever offered you a deal, if you testified against the guards, you would get a deal with regard to getting out of the BAU or out of Camp Hill and getting back home?

MR. SNYDER: Just some inmates say things like that, but no one from the Camp Hill Project.

REPRESENTATIVE RHODES: What would the inmates say?

MR. SNYDER: They would say, "This is our chances now to get out of here." That's what they would say.

REPRESENTATIVE RHODES: Your chance to get out by doing what?

MR. SNYDER: By getting the guards in trouble, or something.

REPRESENTATIVE RHODES: Have inmates said that?

MR. SNYDER: Yes.

REPRESENTATIVE RHODES: Has that influenced what you have told this Committee today?

MR. SNYDER: No.

REPRESENTATIVE RHODES: When you were asked to sign a waiver by the Attorney General's office to come before this Committee today, did the person who asked you to sign -- do you remember when they asked you to sign it? Did you sign it yesterday?

MR. SNYDER: Yes, last night.

REPRESENTATIVE RHODES: When the person asked you to sign the waiver, did they threaten you in any way about

coming here today?

MR. SNYDER: No.

REPRESENTATIVE RHODES: Did they say anything about your testimony today?

MR. SNYDER: No, sir.

REPRESENTATIVE RHODES: There was no threat or even an implied threat?

MR. SNYDER: No.

REPRESENTATIVE RHODES: Let's go back to the incident. I know you have been over it a lot of times. Just a couple of things interest me.

At any time from the time the guards came into your cell to the time you were in Mohawk, did you at any time resist the guards, fight back, fight them or kick them?

MR. SNYDER: No, sir.

REPRESENTATIVE RHODES: You never once fought back?

MR. SNYDER: No.

REPRESENTATIVE RHODES: Did you grab anything in your room to fight back with?

MR. SNYDER: No.

REPRESENTATIVE RHODES: Did you threaten the guards that you would fight back?

MR. SNYDER: No.

REPRESENTATIVE RHODES: With four of them, I really don't see why you would, but then again --

Did any guard from the time the guards came into your cell to the time you were in Mohawk, did any guard offer you any assistance or try to stop the guards who were pushing you around and punching you and carrying you back to Mohawk? Did any guard try to stop it?

MR. SNYDER: No.

REPRESENTATIVE RHODES: Do you recall any guard saying anything nice to you then?

MR. SNYDER: Just Lieutenant Williams after the incident occurred and I was coming back from the hospital. He said to me, "Everything okay?" And I said, "Yes."

REPRESENTATIVE RHODES: Lieutenant Williams?

MR. SNYDER: Yes.

REPRESENTATIVE RHODES: Is he in "C" Ward?

MR. SNYDER: Yes, he works in "C" Ward, right.

REPRESENTATIVE RHODES: He was over in Mohawk?

MR. SNYDER: No, he worked in "C" Ward at night. He seen me coming down the stairs. He is the one I said I thought he said, "Wait 'til you get outside."

REPRESENTATIVE RHODES: He's the one you thought

said what?

MR. SNYDER: "Wait 'til you get outside." He told the other four guards that, at least, that is what it sounded like.

REPRESENTATIVE RHODES: In other words, you think Lieutenant Williams might have said to the guards, Wait to do something to you until you got out of "C" Ward?

MR. SNYDER: That's what it sounded like he said, yes.

REPRESENTATIVE RHODES: Would that give you some cause to worry?

MR. SNYDER: I didn't have a chance to do anything.

REPRESENTATIVE RHODES: Well, were you worried when you thought he said that?

MR. SNYDER: Yes, a little bit.

REPRESENTATIVE RHODES: You thought they might do more to you outside of "C" Ward?

MR. SNYDER: Yes.

REPRESENTATIVE RHODES: What about this officer who came and asked you if you wanted to go to the hospital? What was his name?

MR. SNYDER: Mr. Gavigand.

REPRESENTATIVE RHODES: Gavigand?

MR. SNYDER: Yes.

REPRESENTATIVE RHODES: Did he offer you any assistance?

MR. SNYDER: No. He just said -- when I went to BAU, he said, "You'd better be quiet and things will be better off."

REPRESENTATIVE RHODES: Do you think he was concerned about your condition?

MR. SNYDER: I would say so, yes.

REPRESENTATIVE RHODES: So, some officer did offer you some assistance?

MR. SNYDER: Well, yes.

REPRESENTATIVE RHODES: I just wanted to establish on the record that not all of the guards at Camp Hill vamped on you that night.

When they were in Burgh's cell, before they came to get you, did you think they were coming to get you after they got Burgh?

MR. SNYDER: No, I didn't know.

REPRESENTATIVE RHODES: You had no idea?

MR. SNYDER: No.

REPRESENTATIVE RHODES: In other words, you were surprised when they came after you after they got Burgh?

MR. SNYDER: Yes.

REPRESENTATIVE RHODES: When they were in Burgh's cell, did you hear any sounds of a struggle?

MR. SNYDER: I heard a thump against the wall.

REPRESENTATIVE RHODES: Do you think that was Burgh's head?

MR. SNYDER: I couldn't tell you.

REPRESENTATIVE RHODES: But you heard a thump?

MR. SNYDER: It might have been a bed banging against the wall.

REPRESENTATIVE RHODES: It might have been a bed?

MR. SNYDER: Yes.

REPRESENTATIVE RHODES: Did you hear any screaming from Burgh, or any sounds from Burgh?

MR. SNYDER: In the hallway, as he was going out, yes, sir.

REPRESENTATIVE RHODES: But not in his cell?

MR. SNYDER: No.

REPRESENTATIVE RHODES: Did he scream when they took him down the hallway?

MR. SNYDER: Yes.

REPRESENTATIVE RHODES: Did you make any sound as they took you down the hall?

MR. SNYDER: I gasped twice.

REPRESENTATIVE RHODES: But they had you by the throat?

MR. SNYDER: Yes.

REPRESENTATIVE RHODES: I have no further questions, Mr. Chairman.

Thank you very much, Joe.

REPRESENTATIVE RICHARDSON: Representative Oliver?

REPRESENTATIVE OLIVER: Joe, you spoke of an occasion where you saw guards take an inmate from another cell on another occasion?

MR. SNYDER: Yes.

REPRESENTATIVE OLIVER: Let me ask you this.

I think you stated that Sergeant Stotelmyer was involved in this also?

MR. SNYDER: Yes, Sergeant Stotelmyer.

REPRESENTATIVE OLIVER: Did you see Sergeant Stotelmyer choke this boy like you were choked?

MR. SNYDER: No, I didn't.

REPRESENTATIVE OLIVER: Well, based on what I had heard from you and the other two inmates who testified, to me it seems as though Sergeant Stotelmyer has a tendency of choking inmates any time he gets involved with them. I want to try

and get this point clarified as far as Sergeant Stotelmyer is concerned.

As far as Officer Yon -- I believe you stated Officer Yon, is that right?

MR. SNYDER: Yes.

REPRESENTATIVE OLIVER: The statement that he made to you in regards to the four guards -- would you repeat that?

MR. SNYDER: He said, "If my four buddies get jammed, you will be here for a long time, and you will have to answer to me."

REPRESENTATIVE OLIVER: When he made that statement about answering to him, in your honest opinion, what do you think he meant?

MR. SNYDER: What do I think he meant?

REPRESENTATIVE OLIVER: Yes.

MR. SNYDER: I guess that if something would have happened to his four friends, that I would be injured in some way; he was going to do something to me.

REPRESENTATIVE OLIVER: Are you aware of Officer Yon on any other occasion doing any harm to any of the inmates?

MR. SNYDER: No, I never seen him.

REPRESENTATIVE OLIVER: What sort of reputation

does he have? Does he have a reputation for being a tough guard?

MR. SNYDER: The other guards say he is one of the strongest guards there.

REPRESENTATIVE OLIVER: One of the strongest?

MR. SNYDER: Yes.

REPRESENTATIVE OLIVER: This inmate, James Burgh, are you certain from what you saw, that he put up no resistance as far as being taken out of that block was concerned?

MR. SNYDER: He was struggling on the tier, yes; he was trying to get away from them.

REPRESENTATIVE OLIVER: Would you say this was because of the fact that he wanted to avoid getting his head beaten up against those cells?

MR. SNYDER: I would say, yes.

REPRESENTATIVE OLIVER: That's all.

REPRESENTATIVE RICHARDSON: Presently I have before me a medical injury report given to me by Superintendent Patton, and at this time this seems to be the official form -- or is the official form used by the Institution. And I would like at this time to read that report into the record.

"Medical Injury Report.

"Name -- Snyder.

"Date reporting to dispensary -- 10/15/75.

"Date of incident -- 10/15/75.

"Time reported to dispensary -- 10:10 p.m.

"Time of incident -- 8:00 p.m.

"Location of incident -- "C" Ward

"Other residents involved -- None.

"Officer accompanying resident --

Mr. Forder and Mr, O'Ross.

"Type and location of injury -- Multiple
abrasions of neck and upper arms.

Abrasion on right wrist...."

It looks like "...Gooney on forehead...."

I don't know what that means. It's signed by
Miss Souders. It's not a medical term.

"...Disposition of resident -- Conscious

"Treatment -- Methylate applied. Band Aid
to wrist.

"Disposition after treatment -- Conscious."

He was then placed in the BAU, Behavioral
Adjustment Unit.

It is signed by Warren Ulsh, AS I.

REPRESENTATIVE MILLER: We would just also like to reflect for the record, since Representative Richardson, read that report -- where he used the two terms, "Disposition of resident" and the use of the word "Conscious," it should be noted that the word "Conscious" is typed in there, and there is just an "X" before it, so that it was not a value judgment on behalf of the individual viewing him. It was the only choice between conscious and unconscious. It is kind of a questionable series of terminology to use on a medical form, I would just like to parenthetically add. There is not much middle ground there.

REPRESENTATIVE RICHARDSON: Joe, let me ask you this: What time was the concert, if you know?

MR. SNYDER: I would say somewhere between 6:30 and 7:00 p.m.

REPRESENTATIVE RICHARDSON: And you thought it lasted about an hour and a half?

MR. SNYDER: I would say, yes.

REPRESENTATIVE RICHARDSON: This incident occurred while the concert was going on or after?

MR. SNYDER: After.

REPRESENTATIVE RICHARDSON: According to this report, the time of the incident was 8 p.m. They have you

reported at the dispensary an hour and ten minutes later. Is that right?

MR. SNYDER: Well, the incident, I would say, -- they are probably just saying what happened in "C" Ward when they went to the cells. But the incident took at least fifteen or twenty minutes to do, to get me to the BAU and to have me stripped, searched -- my clothes and stuff. So they say 9:10, but I would say about twenty to twenty-five minutes after I was taken to BAU, I went.

REPRESENTATIVE RICHARDSON: Now, this is not a part of this same line of questioning I was asking you earlier, but a question I wanted to raise. You mentioned earlier about an inmate named Myers, And you indicated to this Committee that he swallows razor blades or something of that nature. Do you know why he is there?

MR. SNYDER: Why he is there?

REPRESENTATIVE RICHARDSON: Why he is there, if you know?

MR. SNYDER: No, I don't.

REPRESENTATIVE RICHARDSON: Well, wait a minute.

MS. CHOMSKY: Wait a minute.

(Discussion off the record.)

REPRESENTATIVE RICHARDSON: I withdraw the question.

Are there any other questions?

(No response.)

REPRESENTATIVE RICHARDSON: Is there anything else you want to say to this Committee?

MR. SNYDER: No, sir.

MS. CHOMSKY: Mr. Chairman?

REPRESENTATIVE RICHARDSON: Ms. Chomsky.

MS. CHOMSKY: I believe that some pictures were taken of Joseph a few days after the incident, but he doesn't know who took them.

REPRESENTATIVE RICHARDSON: Okay. Let me ask you this:

Where were you at the time the pictures were taken, Joe?

MR. SNYDER: Mr. Marks' office.

REPRESENTATIVE RICHARDSON: Mister who?

MR. SNYDER: Mr. Marks.

REPRESENTATIVE RICHARDSON: Who is Mr. Marks?

MR. SNYDER: He is the Superintendent -- no, the Deputy Superintendent or Assistant Superintendent at the

Institution.

REPRESENTATIVE RICHARDSON: At the Correctional Institution?

MR. SNYDER: Yes.

REPRESENTATIVE RICHARDSON: And he took the pictures?

MR. SNYDER: No, two guys from the State Representatives took them.

REPRESENTATIVE RICHARDSON: So, in other words, we had them taken?

(Discussion off the record.)

REPRESENTATIVE RICHARDSON: I am asking that those slides or pictures taken be made available to the Committee. At the present time they are not available, but they will be made available. And when we have them, you will get a chance to look at them.

MS. CHOMSKY: I would like to have a copy of them.

REPRESENTATIVE RICHARDSON: All right, the Counselor is requesting that there be a copy made, and they will be made available to the Counselor.

I would like to thank you very much, Joseph, for

coming in and testifying this morning.

REPRESENTATIVE RHODES: Mr. Chairman?

REPRESENTATIVE RICHARDSON: Representative Rhodes.

REPRESENTATIVE RHODES: When did he say those pictures were taken?

MR. SNYDER: I can't actually say the date.

REPRESENTATIVE RHODES: How soon after the incident.

MR. SNYDER: A few days.

REPRESENTATIVE RHODES: A week?

MR. SNYDER: Five, six days -- maybe a week. I can't actually say.

REPRESENTATIVE RHODES: It was five or six days after the incident?

MR. SNYDER: Yes, I would say so.

REPRESENTATIVE RHODES: Okay.

REPRESENTATIVE RICHARDSON: Joseph, I would like to personally thank you at this time for coming before the Committee and speaking honestly and openly, having your counsel available.

And I would also like to thank Mr. and Mrs. Snyder, on behalf of the Committee, for your cooperation in this matter and for allowing Joseph to come before the Committee.

I would also like to say again that if there are any repercussions that arise as a result of your testifying before this Committee, that you bring it immediately to the attention of this Committee, so there could be some action taken.

Are there any questions or statements that you want to make?

MRS. SNYDER: No, sir. I believe that about covers it.

REPRESENTATIVE RICHARDSON: Representative Hammock.

CHAIRMAN HAMMOCK: Mr. Chairman, I just have one question to ask of Mrs. Snyder.

Mrs. Snyder, when you were here yesterday before the Subcommittee, you indicated that you went to see your son. Do you know on what day you went to see your son after this incident had occurred?

MRS. SNYDER: Well, I received a letter from him dated the 19th.

CHAIRMAN HAMMOCK: Dated the 19th?

MRS. SNYDER: Yes.

CHAIRMAN HAMMOCK: And what day would that be? I don't have a calendar here.

MRS. SNYDER: I believe it was on a Saturday.

CHAIRMAN HAMMOCK: And when you went to see your son, you went to see him because you had received a letter, is that correct?

MRS. SNYDER: I went to see his Counselor, Mr. Bitner. He had an appointment for ten o'clock that morning.

CHAIRMAN HAMMOCK: Well, I am just trying to be accurate. Apparently, this event -- the event of the beating -- occurred on the 15th?

MRS. SNYDER: Yes, sir, according to his letter.

CHAIRMAN HAMMOCK: And you received a letter on what day?

MRS. SNYDER: I received it that Saturday.

CHAIRMAN HAMMOCK: Now, the 15th was a Wednesday, and you received the letter on a Saturday?

MRS. SNYDER: No. The letter was dated the 19th.

CHAIRMAN HAMMOCK: Oh, the 19th?

MRS. SNYDER: Yes.

CHAIRMAN HAMMOCK: So that would have been Sunday.

MRS. SNYDER: Well, it was Monday then that I got the letter.

CHAIRMAN HAMMOCK: Then you received the letter

on Monday, the 20th?

MRS. SNYDER: Yes.

CHAIRMAN HAMMOCK: And then when did you go to the Institution to see your son?

MRS. SNYDER: I believe it was on the 20th or the 22nd. It was a Wednesday.

CHAIRMAN HAMMOCK: It was a Wednesday?

MRS. SNYDER: Yes.

CHAIRMAN HAMMOCK: So that would have been the 22nd. So that was actually about a week from the time the incident occurred?

MRS. SNYDER: Yes.

CHAIRMAN HAMMOCK: So, within a week from the time the incident occurred, you went to the Institution?

MRS. SNYDER: Yes.

CHAIRMAN HAMMOCK: Now, you indicated yesterday that when you went to the Institution, you talked to a Mr. Bitner?

MRS. SNYDER: Yes.

CHAIRMAN HAMMOCK: Is that correct?

MRS. SNYDER: Yes.

CHAIRMAN HAMMOCK: Is he in the room?

REPRESENTATIVE MILLER: Yes, Mr. Bitner is here.

Would he please identify himself?

MRS. SNYDER: I can't see him.

CHAIRMAN HAMMOCK: Apparently he is not here.

But you did go to see Mr. Bitner?

MRS. SNYDER: Yes.

CHAIRMAN HAMMOCK: And what did he tell you?

MRS. SNYDER: I went there with the intentions of talking to Mr. Bitner because previous to that, I had gotten the letter that my son was threatened at the Institution, and that is when I went and got my attorney. He called Mr. Bitner. The 15th was the date he called Mr. Bitner, and told him that my son was threatened. And later on -- I didn't know it -- later on that evening my son was beat up. I was never notified by anyone over there yet that my son was injured. When I talked to Mr. Bitner, I already had a letter from the 19th. I went there to ask him about when my son was going to be released. And he said, I didn't need no attorney because Joseph was going to be released. And I asked him if I could see my son, and he told me my son wasn't there.

CHAIRMAN HAMMOCK: Now, could you repeat that again? He told you your son was not there?

MRS. SNYDER: He told me my son was not there.

Well, then I got very angry. I said, "Mr. Bitner, you are sitting here lying to me. I have a letter in my possession that I received from my son." I said, "Here's the letter where my son was beaten by guards up here. Is he in the hospital, in the morgue, or where in hell is he?" That's exactly what I said to him.

Mr. Bitner said, "Why don't you go to Mr. Patton?"

And I said, "Why should I go to Mr. Patton when you are sitting lying to me, because you are all a bunch of liars, and I want to see my son."

CHAIRMAN HAMMOCK: Let me just ask you about that.

What is Mr. Bitner's official capacity at the Institution, if you know?

MRS. SNYDER: I believe he is a counselor for Joseph.

CHAIRMAN HAMMOCK: He is Joseph's counselor?

MRS. SNYDER: Yes.

CHAIRMAN HAMMOCK: So he told you that Joseph was not there. You became upset, naturally, and then did he tell you Joseph was there?

MRS. SNYDER: Yes. He turned right around, after I asked him again if I could see my son, and said, "Yes."

CHAIRMAN HAMMOCK: Thank you.

Now, is this your husband sitting here?

MRS. SNYDER: No; it isn't. This is Joseph's stepfather.

CHAIRMAN HAMMOCK: Joseph's stepfather.

Now, sir, would you take the microphone?

Were you with the lady when this occurred?

MR. WISSLER: To see Mr. Bitner?

CHAIRMAN HAMMOCK: Yes.

MR. WISSLER: Yes, sir. I said to Mr. Bitner --

CHAIRMAN HAMMOCK: Just a moment. Before you tell that -- did you overhear a conversation between the lady sitting to your left and Mr. Bitner?

MR. WISSLER: We were all sitting there together.

CHAIRMAN HAMMOCK: You heard what he said?

MR. WISSLER: Yes.

CHAIRMAN HAMMOCK: What Mrs. Snyder just testified to, is that what occurred?

MR. WISSLER: Yes. And I said, "I'd like to know the reason why the boy is not here." I said, "There is something funny. We got letters from him that he was here." And right away he turned red in the face. I said, "I think you're a liar."

So, I kept on saying things to him. And he put

his hand on my knee and he said, "I think you're all right." And I said, "You should be all right." I said, "I come here to see the boy, and that's it."

CHAIRMAN HAMMOCK: And then did he allow you to see Joseph?

MR. WISSLER: He told us that Joe was there. He didn't say if we could see him or not. After we left, we told him we were going over to see Joe. We went over to see Joe. The guard at the desk in the visiting room -- we didn't know what was the matter. At any other time Joe was allowed out in the yard. Now, while we were waiting for Joe to come out of the lock-up, this guard said to us, "Will you people sit over here?" We didn't know what the score was until I asked an officer over there about it, and he happened to tell me that he was in punishment and wasn't allowed out in the yard, and he sat there and listened to everything that was said.

CHAIRMAN HAMMOCK: All right. But the fact remains No. 1, that the two of you were told that Joe was not there?

MR. WISSLER: Yes, sir, that's correct.

CHAIRMAN HAMMOCK: And, No. 2, when you went to see Joe, unlike previous occasions, the guard sat there and listened to your conversation?

MR. WISSLER: Yes. Mr. Bitner beat us over there.

Tape #4

He left after we did, and he beat us over there. And then he stood off about the length of this room.

CHAIRMAN HAMMOCK: Now, I just have one final question I would like to ask you, sir.

In your experience of going to see Joe while he was at the Institution, and as a result of all of the things that you heard in the last couple of days, and the letters, and what-have-you, in your opinion, what kind of attitude among the guards do you think exists at Camp Hill right now?

MR. WISSLER: I don't know. There is something funny going on over there.

CHAIRMAN HAMMOCK: Something funny?

MR. WISSLER: Yes. The boy got blamed for tearing his sheet. They took the money out of his account and made him pay twenty dollars for a sheet -- nineteen dollars for a sheet.

CHAIRMAN HAMMOCK: Joe?

MR. WISSLER: Yes, sir. I don't think it's right. I asked Mr. Bitner for a receipt or something, and he said he couldn't get it.

CHAIRMAN HAMMOCK: Just one more question.

Do you think the guards are covering up over there?

MR. WISSLER: Yes, I think they are covering up.

CHAIRMAN HAMMOCK: Thank you, sir.

Thank you, Mr. Chairman.

REPRESENTATIVE RICHARDSON: I would like to thank you for your testimony. And I want to thank you on behalf of this Committee for coming forward and testifying. I would like to let you know that there is a possibility that you might be recalled, so in that event we will be notifying you if we need you.

This House stands in recess for five minutes.

(Witnesses excused.)

(A recess was taken.)

REPRESENTATIVE RICHARDSON: I would like to call the House back into order.

At this time I would like to announce that we will have an early lunch break. We will be breaking promptly at 11:30. We will reconvene at 12:45.

At this time I would like to call as a witness Michael Kaup.

Is Superintendent Patton here?

MR. PATTON: Michael Kaup has not been cleared for formal presentation.

REPRESENTATIVE RICHARDSON: Okay. Thank you very much.

MR. PATTON: We are still trying to complete the contact with the judge.

REPRESENTATIVE RICHARDSON: Thank you.

At this time I would like to call Mr. Robert Tyler, along with his counsel.

ROBERT E. TYLER, called as a witness,
being first duly sworn, according to
law, testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q Would you state your name for the record, please?
And give your age?

A Robert E. Tyler, eighteen.

Q Would you let me know whether or not you are
represented by counsel?

A Yes, sir.

REPRESENTATIVE RICHARDSON: Would you state your
name for the record, please?

MS. CHOMSKY: Judith Chomsky.

REPRESENTATIVE RICHARDSON: I would like at this
time to ask whether or not the medical records of

Robert E. Tyler are here?

MR. PATTON: The medical record is here. My understanding is that he is here as a witness, Mr. Chairman. Is it necessary for the medical records on a witness --

REPRESENTATIVE RICHARDSON: Only if they relate to anything that you might have incurred as a result of the incident on the 15th.

MR. PATTON: They are present -- no, I don't know that they are, either. I believe that I only have medical records on the four you indicated that were here previously.

REPRESENTATIVE RICHARDSON: Thank you very much.

BY REPRESENTATIVE RICHARDSON:

Q Are you here pursuant to a subpoena that you received?

A Yes.

Q Do you understand the nature of the hearings of this Committee?

A Yes, I do.

Q Do you understand the seriousness of them?

A Yes.

Q Do you realize that there have been several inmates at the Camp Hill Institution who have come before us

thus far and testified to that which they either witnessed or saw themselves?

A Yes, I do.

Q Are you willing to testify before this Committee concerning anything that you saw?

A Yes, sir.

Q Do you have any fears about testifying?

A No, I don't.

Q Has anyone threatened you as a result of your testimony?

A No.

Q Were you told that you would be harmed in any way if you testified before this Committee?

A I heard rumors, but not from the guards.

Q Whom did you hear rumors from?

A Other inmates.

Q And what did they say?

A They just said if we go to court and testify and kind of beat the case, the guards may come back on the people testifying.

Q But this was not as a result of your talking to other guards, but talking to other inmates?

A Talking to other inmates, yes, sir.

Q Have you ever appeared before a committee or such a hearing like this concerning any other incident before?

A No.

Q You are eighteen years of age?

A Yes, sir.

Q Do you understand how important it is for you to tell the truth about the matters that existed there at Camp Hill?

A Yes, I do.

Q And do you understand the repercussions that you would suffer if you tell a lie?

A Yes, I do.

Q As a result of that, Mr. Tyler, what I would like to do is get into some questions with you as a result of which you saw or heard or were a participant of on October 15th.

On or about October 15th, did you, in fact, hear, see or witness anything that you care to tell this Committee?

A Yes, I did.

Q Would you now proceed to go into that?

A I'm right across from Joe Snyder in 804.

Q Where is that, what ward?

A "C" Ward.

Q Your cell is directly across from Joseph Snyder's

cell?

A A six degree angle.

Q Okay. Go ahead and continue.

A After they took Burgh out -- I seen them take Burgh out of his cell. He was naked. Sergeant Stotelmyer had him by the neck, the same way they had Joe. Then they took him down. Then they stepped in front of Joe's cell, and Sergeant Benner said, "Hit 7." They hit 7. They moved in. Sergeant Benner grabbed Joe, threw him on the bed, and he wound up on the floor. Stotelmyer kicked him from the back. As he was going down, Benner hit his head against the wall -- Joe did.

After that occurred, they picked him up and took him out. They had his hands behind him, choking him. They had him halfway down the tier. And I didn't see much then, but I seen his foot get caught in the post.

Q The post where?

A In the railing on the top tier.

Q Let's go back.

Your cell is directly across from Joseph's cell?

A The cell next to me is directly across, but I could see along the cell.

Q Indicating that if you are facing out of the cell,

is Joseph's cell to the right or to the left?

A To the right; a six degree angle.

Q Who approached Joseph's cell first?

A Sergeant Benner.

Q And if he did anything, what did he do?

A Sergeant Benner, you mean?

Q Yes.

A Sergeant Benner just held his hand up like this and said, "Hit 7." And they moved in.

Q Held his hand like what?

A Like this (indicating) -- "Hit 7."

Q Did you see to whom he was talking?

A No, I didn't see who was in the box. The box is closed.

Q Now, as a result of that, what happened?

A Sergeant Benner went in. All four guards went in when the cell door opened.

Q Wait a minute. I want to start when the cell door opened. Did he open the cell door, or did the cell door open by itself?

A The door opens by itself, but you grab the handle and open it all the way. Then all four guards moved in.

Q Who were those four guards?

A Sergeant Benner, Sergeant Stotelmyer, Mr. Ross (sic) and Mr. Forker.

Q Are they present in the room today?

A Yes.

Q Would you identify them for us?

A I don't see them.

Q Indicating that they were here earlier. Did you see them earlier?

A Yes, sir.

Q They are not present here now?

A No.

Q Go ahead.

A Well, Sergeant Benner grabbed Joe and turned him over on the bed and bounced him on the floor. That's when Joe hit his head against the wall. And they put handcuffs on him when he was on the bed. When he went on the floor, Sergeant Stotelmyer kicked him from the rear. Joe was in a downward position with his knee propped up, and his head hit the floor. That's when Sergeant Stotelmyer kicked him from behind.

Q Go ahead.

A After that, all four guards picked him up off the floor, took him out of the cell, shut the door, and started taking him down the tier. Stotelmyer had him by his throat,

and the cuffs. Benner and the other guards were just holding onto him by his arms.

Q Mr. Tyler, from your recollection, is Joe a big person?

A Is he what?

Q Is he a big person, a big man?

A No, very small.

Q Could you describe the guards that took Mr. Snyder out of his cell?

A Stotelmyer is about -- weighs about 190. He is 6'5" -- somewhere around there,

Sergeant Benner is short; weighs about 220.

The other guard, Ross, (sic), is short. He's husky. He weighs about 180 or 190.

Forker is a small guard. He weighs 160 or 170.

Q About half a ton of men taking about 135 pounds away.

A (No audible response.)

Q Approximately?

A Yes.

Q Do you think there were that many guards needed to take Joe out of the cell?

A No. I don't think they would need any guards to take him out.

Q Do you know if Joe did anything?

A He didn't do nothing. I was with him when the guards were at the concert.

Q Did you go to the concert?

A No. I was on restriction.

Q Joe was in his cell. Was he bothering anybody?

A No.

Q Did you see James Burgh?

A Yeah, I seen him. He was on his bars talking to -- I don't know who he was talking to. I think he was talking to Myers.

Q What happened as a result of that? Did you see anything happen to Mr. Burgh?

A While they were at the concert?

Q Well, while they were at the concert or when they came back from the concert. On that day did you see anything happen to James Burgh?

A I seen them bring him out of the cell.

Q You saw who bring him out of his cell?

A Sergeant Stotelmyer, Benner, Ross (sic) and Forker.

Q The same four?

A Yes.

Q Indicating the same four correctional officers.

And where is James Burgh's cell in relationship to your cell?

A His cell is two cells down on the same tier as Joe Snyder's.

Q In relationship to Joe Snyder's cell, where is James Burgh's cell?

A Right next door.

Q Right next door?

A Yes.

Q So, therefore, you still could see in that room, too, from your cell?

A I couldn't see in, but I saw when they brought him out.

Q You saw when they brought him out?

A Yes.

Q Did you holler or scream or bang on your bars at all?

A No. I just sat there quietly waiting to see what happened.

Q When they brought Burgh out of his cell, what, if

anything, did you see?

A When they brang him out he had no clothes on. Stotelmeyer was choking him, the same way he was choking Joe. They had the handcuffs up behind him, so he was on his toes; that's how far they had the handcuffs up behind him. Then they took him down the tier, and then I couldn't see any more.

Q Did they let him put on his clothes?

A No. He had no clothes on at all.

Q He was naked?

A Naked.

Q Was this unusual to allow inmates to walk down the cell block without any clothes on?

A Yes, it is. He was getting ready for a shower.

Q Was Burgh resisting in any way? Was he fighting back?

A He was struggling when they brang him out of his cell. I guess he was in panic. He was scared.

Q Well, let me ask you this: Is James Burgh a big man?

A No, he is not a big man.

Q Did it take those four guards to remove him out of his cell?

A No.

Q Could he physically have hurt any of these guards?

A I imagine he could if he picked something up.

Q If he picked something up?

A Yes.

Q You mean like a sledge hammer?

A Yeah, I guess.

Q Do you think that there was anything really that could be done to have stopped the incident that was occurring as you saw it?

A No. I guess they just had their minds set on what they wanted to do, and they just didn't want to be stopped.

Q As a result of what you are telling me today, did anyone talk to you concerning this matter between October 15th and now?

A Yes.

Q Who?

A Camp Hill Project -- a private investigator. I don't know where he was from, but he talked to me about it. And last night I talked to Judy and the other man up there; I forget his name.

Q Did you talk to anyone at all from the Justice Department or from the Attorney General's office?

A I don't know.

Q Do you remember whether you had an interview with anyone else?

A Just the private investigator and the people I stated.

Q The private investigator. And you are saying this private investigator was from the Camp Hill Project?

A No.

Q Oh, a private investigator and the Camp Hill Project?

A Yes.

Q These are separate individuals?

A Yeah.

Q You don't remember where the private investigator was from, though, do you?

A No.

Q Did he identify himself?

A Yes. He just pulled out his wallet, and I forget what it said. It just said, "Investigator."

Q Did he give you a card or something?

A No.

Q Did you tell him what you told me today?

A Yes.

Q As a result of your telling him that, what did

he say?

A He just said, "Thanks. You helped me a lot."

And he told me to go back to my cell.

Q Did you sign a sworn statement?

A No.

Q Did you notice whether or not he was writing anything down?

A Yes, he was writing it down.

Q Did you look at that as a result of what he wrote?

A No. He had it turned opposite from me. I couldn't understand it.

Q Did you ask to see it?

A No.

Q Did he read it back to you?

A No, he didn't.

Q So you don't know what he wrote down?

A I don't know what he wrote down.

Q As a result of that, were you concerned at all, with your safety inside the Institution, knowing that you were coming forth and telling different ones what happened and what you saw?

A Yes, I knew what could happen.

Q Were you scared?

A I wasn't scared. I figured if I was in the same position, I would want somebody to help me by testifying. Since I was one of the ones who seen it, I am here to help out.

Q Have you seen any of this kind of incident occur before?

A Yes.

Q When?

A Well, about a month ago -- Greg Willery --

Q What happened?

A It was Sergeant Stotelmyer in his cell; it was just Stotelmyer this time. I didn't see what happened then. He was on the same tier as I am. They brang him out. I seen them as they were coming down the tier. They had him by the neck. When they got to the steps, they threw him down the steps.

Q Did you see that?

A No; I heard it.

Q Heard what?

A Thumping and bumping down the steps. The guards -- and Greg was barefooted. And I heard the thumping and bumping, and I figured it was coming from there.

Q Did you see that inmate afterwards?

A Yes.

Q Was he hurt in any way?

A He came back. He had wrist marks on him from the handcuffs. He was sore up here, and all. (Indicating.) He had marks from the handcuffs.

Q Is this a habit of the guards, putting these handcuffs on you all real tight?

A Yes, I guess it is, because every time they put the handcuffs on somebody, they put them on real tight.

Q Why do you think they do that? Do they want to break the skin?

A I don't know.

Q Do they normally do that?

A Yes.

Q Do you all complain -- well, do you complain?

A I don't complain. I only have had handcuffs on me one time, but they didn't do nothing to me.

Q The incident that you just referred to, did you see Sergeant Stotelmyer grab this guy by his neck as he was taking him?

A Yes; by the hair, too.

Q Is this a habit that seems to be a growing thing with Sergeant Stotelmyer, that he grabs people by the throat?

A Yes, it is.

Q Do you know whether or not Sergeant Stotelmyer is still working on the juvenile side of the Institution?

A Yes.

Q Is he?

A Yes.

Q To your knowledge?

A As far as I know.

Q Have you seen him recently?

A Yes, I seen him recently. The other night he was walking through "C" Ward.

Q What night?

A The night before last.

Q Okay, indicating that today is Tuesday -- you are saying Sunday?

A Yes.

Q Sunday night.

How long have you been at the Institution?

A Seven months.

Q Seven months. Have you always been on "C" Ward?

A Yes.

Q Are you allowed out in the population in that particular ward?

A Yes.

Q Do you go to a dining area, or do you eat in your cells?

A We get it down in the cafeteria.

Q How is the food?

A Lousy.

Q As a result of that, did you see Superintendent Patton, or any other officials of the prison to let them know what you had seen?

A No. They didn't ask us no questions about it.

Q Were your parents notified that you were going to be here to testify today?

A Supposedly, they were last night.

Q Did you ever talk to them?

A No. Do you mean since I have been in the institution?

Q No; about this incident?

A No.

Q Do you think your parents would mind your coming here and testifying, telling the truth about this matter to the Committee?

A No, they wouldn't.

Q Let me ask you one other question before we break. As a result of your receiving the subpoena, your

waiver, yesterday, when you signed it -- someone from the Attorney General's office asked you to sign a particular paper. What did they ask you to do?

A They asked me -- they said -- first, I walked in and they shook hands with me. And they said, "Can you read?" I said, "Yes, I can read." I read the form. There was about -- they had my record, you know, in the public, and pictures taken of me while I am here, and all. And I agreed with that, and I signed it. They didn't force me.

Q In no way at all?

A No.

Q Okay. What I would like you to do is return after lunch and be on promptly at 12:45. We will start at 12:45.

Thank you thus far for your testimony.

I ask that we reconvene at 12:45 promptly.

We will now break for lunch.

(Witness excused.)

(Luncheon recess.)

AFTERNOON SESSION

REPRESENTATIVE RICHARDSON: The time of recess having expired, the House will come to order.

Would Superintendent Patton and his counsel please approach the bench?

(Discussion off the record.)

REPRESENTATIVE RICHARDSON: Mr. Tyler, will you please take the stand again, noting for the record that you are still under oath? And at the conclusion of our break at 11:30, we indicated that we would resume questioning by the rest of our Committee.

ROBERT E. TYLER, recalled as a witness, having been previously sworn, according to law, testified as follows:

REPRESENTATIVE RICHARDSON: At this time I would like to call on Representative Hammock.

CHAIRMAN HAMMOCK: I would like to pass, Mr. Chairman. I don't have any questions for Mr. Tyler right now. I might have some a little later.

REPRESENTATIVE RICHARDSON: All right,
Representative Miller.

REPRESENTATIVE MILLER: Thank you, Mr. Chairman.

BY REPRESENTATIVE MILLER:

Q Mr. Tyler, of the four guards I understand you observed, is it understood by you that they normally work on that particular cell block?

A Yes.

Q They were assigned there?

A Well, they wasn't assigned there, but they come in once in a while.

Q What I am getting at is, do those four guards -- were they members of a special team in charge of discipline at Camp Hill, or security matters, or in charge of transferring prisoners? Were they a special group, or were they just guards who happened to be working on that block at that particular time?

A I think a couple of the four worked in BAU, Mohawk.

Q So you understand that two of them are assigned -- at least two of them normally work in Mohawk?

A Yes.

Q And that would lead you to believe that they had a rather special assignment, as aside from being normal guards on a normal floor?

A Yes.

Q Was it known to the individual persons in Camp Hill that this group represented a special group of officers?

A Yes.

Q In other words, when you would see Sergeant Stotelmyer and the other three men going somewhere, did you think in the back of your mind that they were going to get someone for Mohawk?

A Well, not all four of them hang together. Sergeant Benner and Stotelmyer are pretty good buddies. They stick together.

CHAIRMAN HAMMOCK: I'm sorry; I didn't get that response. What was his response?

REPRESENTATIVE MILLER: The response of the gentleman was that he said he had seen them together; that they stick together.

BY REPRESENTATIVE MILLER:

Q Let me ask this series of questions another way.

Did you think it unusual to see four guards together, carrying out the assignment of transferring one prisoner?

A Yes.

Q But it did not surprise you then to see these particular guards carrying out that assignment?

A It surprised me to see two of them -- Ross (sic) and Forker. But Benner and Stotelmyer didn't surprise me.

Q Is there such a thing as a so-called "Goon Squad" at Camp Hill?

A I beg your pardon?

Q Is there such a thing as a so-called "Goon Squad" of guards at Camp Hill? Have you ever heard that term used?

A No.

Q Then, for all intents and purposes, these guards appeared to you on that day to be carrying out a routine assignment?

A Yes.

Q Would you say that is a fair assessment?

A A fair assessment?

Q Except for the fact that it has been alleged that they carried out the assignment in a brutal fashion, you weren't surprised to see them carrying out this duty of

transferring prisoners?

A No.

Q It would be a normal thing to see them come and take someone to Mohawk?

A Yes.

Q Can you give me any idea or reason at all why these guards proceeded -- why it has been alleged these guards proceeded to inflict physical punishment on any one of the gentlemen who testified they had been hit? Can you think of any reason at all?

A No. A lot of times I know guards who work at Mohawk -- they get mad because of guys at Mohawk doing, you know, obscene things to them. So, I think they just come over to different wards and, you know, take it out on other guys.

Q I see. But the gentleman who testified earlier today -- Mr. Snyder, I believe it was --

A Yes.

Q And we also heard similar testimony from Mr. Burgh.

A Yes.

Q They weren't in Mohawk at that time, nor had they been there before. So, what reason do you think, if, in fact,

the guards actually punished them, they may have had for this rough treatment? Any reason at all?

A Well, they might have been in a bad mood, and they just picked out the individuals who were there and maybe took a dislike to them.

Q It might have been that they just were in a bad mood?

A It's hard for me to say.

Q Well, I realize it is hard for you to say. What is difficult for me to understand is that the gentlemen who have testified so far have given no reason at all for the action of the guards -- the alleged action; no reason at all. And you cannot think of any, either?

A No.

Q Not even a guess, other than that they might have been in a bad mood?

A (No audible response.)

Q Were you angry before you saw the guards coming into those cells on that day?

A Before?

Q Yes. Was there anything going on in that cell block that may have made you angry?

A No.

Q What was your frame of mind at that time when you saw the guards coming in? Were you happy?

A No, I wasn't happy. I was mad then.

Q You were mad then?

A Because it was unfair the way they did it. They didn't even stand at the gate and say that you are going to Mohawk for such and such a thing, and what they did. They just picked doors.

Q What is it that they did? You just said, for what they did. What did they do? Why were they taken away?

A For having fires on the tier; which they grabbed the wrong guys for.

Q They grabbed the wrong guys for the fires?

A So, I figured they must have had a disliking of these four men.

Q Did you come forward and point which guy started the fires? Did anyone make an attempt to say they had the wrong guys?

A Well, I wasn't sure, because I didn't know who started them.

Q You didn't know who started the fires, either?

A I couldn't say.

Q The difficulty is -- and the only thing I wanted

to establish by this questioning was that at any time an action like this happens, there is usually a cause. Now, I agree the cause does not justify what may have happened there after, but it seemed the questioning of witnesses in each point of time, at least as far as this Committee has heard, they can't think of any reason why this may have happened.

A. Well, I can't.

Q Was there a little bit of confusion during this whole period of time? It wasn't a normal day in the cell block, was it?

A Well, there was rumors going around. A lot of times the guys going to the movies, there's rumors going around that there's going to be a riot -- kidding off or something -- and, of course, the guards are prepared for it. And when they come back, of course, there's hollering and banging, and there's some action. That could be the reason right there.

Q So you are saying at this time, before the actual incident, there was a viable rumor that there was going to be a riot?

A Oh, yeah.

Q Do you think the guards knew there was a rumor that there was going to be a riot?

A I'm sure they would have heard the other inmates, because they are always talking about it when they are going to the movies or something.

Q Now, let me see if I understand this correctly.

Prior to these incidents there was a rumor that there was going to be a riot, and you would assume, fairly, that the guards knew about that rumor as well; is that correct?

A Sure.

Q And that just immediately before the incidents took place, there was a series of fires started in the cell block, is that correct?

A There wasn't a big fire -- you know, like a three or four foot piece of toilet paper that somebody --

Q Was that normal in your cell block? Would you characterize that as a normal thing that would happen?

A No. The guys don't usually carry on like that, you know. It's just that, a lot of guys on restriction get frustrated. They go to court and they get put on restriction, and they come back. And I guess they feel that they want to do something wrong and make it right.

Q Do you think that was the general attitude of the inmates on that block on that particular day; that they, too, were frustrated and they wanted to act not what we would

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consider normal behavior in the cell block, in that there was some acting-out and a general atmosphere of a riot?

A Yeah.

Q Do you think so?

A Yeah.

Q Do you think it would have been normal for the guards to take no action at all in a situation like that?

A Yeah, it would have been, because most of the time Hartman or Himes -- two guards there -- when something like that happens, they just write a man up. They don't go beating him up. These other guards just didn't feel like that. Most of the time they just write them up and they go to the Captain's Court. And if further action takes place, they have to go to Mohawk -- instead of beating the guys up.

Q My questioning isn't to convince you that it was proper to abuse those inmates. I am not suggesting that. What I am trying to get from you now is a "yes" or "no" answer to a simple question. Do you understand in your mind why the guards were taking some action, in that it was not a normal situation? Can you see some cause at least for their taking some action?

A No, I can't see no cause for it.

Q You can't see cause? The fact that there was a

rumor of a riot had no bearing on it; the fact that people were starting the fires, the fact that people were frustrated and acting-out; that is a normal situation?

A Yeah.

Q That happens every day?

A Not every day, but once in a while.

Q Once in a while? It is not unusual?

A This is the first time I seen where they beat the guys up and took them to Mohawk.

Q I am not asking you that. I am asking you the general atmosphere prior to these guards taking whatever action they took. Do you think the general atmosphere in that cell block was a normal cell block atmosphere?

A It's like when them guys at the movies -- yeah, it's normal then.

REPRESENTATIVE MILLER: No further questions.

Thank you.

REPRESENTATIVE RICHARDSON: Representative Lederer?

BY REPRESENTATIVE LEDERER:

Q Bob, you were in your cell during the rock concert. Were any of the fires started before the rock concert?

A No.

Q Were the inmates who were at the concert back in

their cells when it started, or on their way back?

A They were all at the concert.

Q They were what?

A They were at the concert.

Q They were at the concert when the fires started?

A Yes.

Q So, you would say that during the concert, the fires began?

A Yes.

Q Did you see any guards in the block during that time?

A Yes.

Q How many times? Could you see them constantly, or did you just see one making his rounds?

A I seen him a couple of times.

Q You did see him make his rounds the whole time?

A Yes.

Q Did he say anything to any of the inmates that were in their cells when the fire started?

A No. But the other juveniles turned around and seen him at the door writing down cell numbers on a pad -- writing down something.

Q Then he didn't react by communicating? He was

probably writing a report?

A Yes.

Q Was there a lot of tension because some of the fellows were in discipline who would rather have been at the rock concert?

A Yes.

Q They were kind of mad?

A Yeah, they were mad.

Q Did you see an inmate by the name of Myers during this time?

A No. I'm above him. I can't see him.

Q You are above him and can't see him?

A Yeah.

Q Did you see any kind of fire directly under your cell, out on the tier? Is that possible?

A No. It was down at the other end of the tier. It was down a little farther from where my cell was.

Q So, you couldn't say whether or not he threw toilet paper or a bag or anything out? You could not say that?

A That's true; I couldn't say who did it.

Q On your tier did you see any water come out of any of the blocks, or could you see anybody throwing water at the lights or anything?

A, Yes.

Q On your tier you did see that?

A Yes.

Q It's kind of a tough question, so I am not going to ask you to name any one.

Would you say anyone in this room who is an inmate was throwing water?

A No.

Q No one?

A No.

Q As close as you can get, how many cells can you see on the other side from where you are sitting?

A Maybe six, seven or eight.

Q Eight?

A Possibly.

Q So that any water thrown would have to be thrown from those eight, because you could not see anything to the left of you or to the right of you? Am I correct in saying that?

A To the right of me I can see only six or seven cells; to the left I can see almost all of the way up. On this side I can't see.

Q Did you see any fire on your side?

A No. I didn't see no fires. I smelled them, but I didn't see them.

Q Have you ever seen any inmates in your stay at Camp Hill being taken to Mohawk by less than three guards?

A Yes.

Q Have you ever seen an inmate go -- have you ever seen this with one correctional officer? Have you ever seen one correctional officer take an inmate to Mohawk?

A Yes; once or twice.

Q Once or twice?

A Yes.

Q Have you ever seen an inmate go without being handcuffed?

A No.

Q So you would say this procedure was -- the procedure is handcuffs, yes.

REPRESENTATIVE LEDERER: Thank you.

REPRESENTATIVE RICHARDSON: Representative Rhodes?

REPRESENTATIVE RHODES: No questions.

REPRESENTATIVE RICHARDSON: Representative Oliver?

BY REPRESENTATIVE OLIVER:

Q If I may, I would just like to ask you a question

along the lines that Representative Miller was asking.

As far as these rumors of riots are concerned, this is something, I think, based on what you say, it is something that happens quite frequently as far as rumors are concerned.

A (No audible response.)

Q. What sort of action do these officers take then? Have they ever taken action before?

A No, but they kind of -- sometimes they warn on the way over. They will stop us at the gate -- you know, take five or six of us at a time, because they kind of have a feeling that something is happening.

Q To the best of your knowledge, was there a guard present to see who might have been involved as far as this fire was concerned?

A See, the time the fire was going on he wasn't in the block at all. He was outside the door.

Q So there was no guard in there?

A No.

Q Then do you know for what reason he would come in and take any of the inmates out and take them to the BAU?

A I don't know for any reason, but there was a young guard, Wolf. He was writing down numbers on a pad. I'm not

sure what he was writing down, but I take it for granted that was what he was writing down.

Q One other question:

As far as Sergeant Stotelmyer is concerned, how many other instances are you aware of where you saw that he was choking inmates?

A One that I know of before this happened.

Q Have you been told, let's say, by any of the other inmates that he was choking?

A Well, not directly from other inmates, but hearing about Mr. Stotelmyer from other inmates -- just overhearing them.

REPRESENTATIVE OLIVER: Thank you.

BY REPRESENTATIVE RICHARDSON:

Q Robert, two things:

One -- I would like to know whether or not you personally -- now, I want to make this clear -- saw Snyder, Burgh or Ptcheco start any fires, throw any toilet paper with fire on it, bags with fire on them, or set any kind of disturbance at all in that cell block in that particular October 15th date?

A No. "Chico" wasn't even in his cell. He was at the

concert.

Q He was at the concert?

A Yes.

Q And you know that because your cell is directly across from Burg's and Snyder's?

A Right. And Ptcheco's.

Q And Ptchecko's?

A I can't see in Burg's and Ptcheco's, but I can see them coming out.

Q You can see them coming out?

A Yes.

Q As far as those to your right, you can see down the hall?

A To the left.

Q They are to the left? Okay.

A I'm on this side (indicating.) It would be on my left that I could see them.

Q Did you see anybody setting any fire there?

A No, I didn't see one, but I smelled the sense of what direction it was coming from.

REPRESENTATIVE RICHARDSON: Are there any other questions from the Committee?

REPRESENTATIVE MILLER: Dave, just one brief

question.

REPRESENTATIVE RICHARDSON: Representative Miller.

BY REPRESENTATIVE MILLER:

Q Mr. Tyler, I would just like to clarify a point.

Prior to the time the officers from the BAU Unit entered your cell block, would you describe the atmosphere in that cell block as normal?

A Yes.

Q The fact that there were rumors of riots? In your own words you describe the inmates as mad and frustrated.

A That was --

Q You acknowledged there was water thrown and fires being set, and you would call that a normal situation in the cell block that calls for fairly general supervision by one officer in the cell block?

A Well, when it happened as far as what was there. Like I said, most of the guys, you know, just get written up for it. That is the normal procedure anyway.

Q I am not talking about normal procedure; I am talking about the atmosphere in the cell block. Is that a normal day in the cell block?

A At that certain time, yes.

Q In other words, every day there is rumor of riot; every day there are inmates mad and frustrated; every day there are water fights and fires?

A No, not every day.

Q How many days -- once a week, twice a week, once a month?

A Just once in a while.

Q Had you ever seen that situation before in a cell block?

A Not no fires; water thrown.

Q While you have never seen that general situation, you would describe it as normal then?

A (No audible response.)

Q Let me ask you another way. Were you surprised that officers from the BAU Unit came over?

A Yes, I was.

Q They did surprise you?

A Yes.

REPRESENTATIVE MILLER: Thank you.

REPRESENTATIVE RICHARDSON: If there are no other questions at this time, I would personally like to thank you very much for coming before this Committee and giving your testimony as to what you observed on the dates asked you, and

also to whatever knowledge you have concerning what we have asked you.

On behalf of the Committee, I would also like to thank your counsel for coming along. And I would like to say what I said to Mr. Snyder; that if at any time, at any moment, there are any repercussions, as a result of your coming and testifying before the Committee, I would hope that you would not only let your counsel know, let someone at the administration know at the prison, but that you would also get in contact immediately with this Committee. And I mean this. If you have to go through a long-drawn-out procedure, I would advise you to get in touch with the Committee immediately to let us know. Any threats, intimidations, or physical harm that comes to you, we want to know immediately about it.

I cannot stress enough the seriousness of what you have testified to here this morning, and I would hope you would remain around just in case we might need your testimony later on.

MR. TYLER: Thank you.

(Witness excused.)

CHAIRMAN HAMMOCK: Mr. Chairman, may I consult with you for a second?

REPRESENTATIVE RICHARDSON: Yes.

(Discussion off the record.)

REPRESENTATIVE RICHARDSON: I would like to call at this time Gary Misko to the stand.

Is Gary Misko here?

MR. PATTON: Mr. Chairman, he is not one of the ones who are here today.

REPRESENTATIVE RICHARDSON: He was requested to be here. Are you working on trying to make sure he will be here tomorrow?

MR. PATTON: I understand the clearance was received, but we were told it was not necessary to bring him here today.

REPRESENTATIVE RICHARDSON: Okay. Thank you very much.

Kendall Magwood?

I am just going in order in line with my agenda, this morning.

MR. PATTON: No, he is not present.

REPRESENTATIVE RICHARDSON: The same thing serves also for him?

MR. PATTON: That is correct.

REPRESENTATIVE RICHARDSON: Okay.

Bob Gilliland?

MR. PATTON: No, sir, he is not here either.

REPRESENTATIVE RICHARDSON: The same process applies to him?

MR. PATTON: Correct.

REPRESENTATIVE RICHARDSON: Jim English?

MR. PATTON: No, Mr. Chairman.

REPRESENTATIVE RICHARDSON: Does that also apply to him?

MR. PATTON: That is correct.

REPRESENTATIVE RICHARDSON: Ron Sutton?

MR. SUTTON: Yes.

REPRESENTATIVE RICHARDSON: All right, Ron Sutton is here. Will Ron Sutton approach the bench, please?

RONALD SUTTON, called as a witness,
being first duly sworn according to
law, testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q Would you state your name for the record, and your age, please?

A Ronald Sutton, seventeen.

Q Are you represented by counsel?

A Yes, sir.

Q REPRESENTATIVE RICHARDSON: Would you state your name, please, for the record?

MS. CHOMSKY: Judith Chomsky.

BY REPRESENTATIVE RICHARDSON:

Q Mr. Sutton, are you aware of the fact that we are holding these hearings about some very serious matters over there in Camp Hill?

A Yes, sir.

Q Are you here as a result of the fact that you received a subpoena to be here this morning?

A Yes, sir.

Q Are you willing to testify to this Committee anything that you know about incidents that occurred at Camp Hill within the last month?

A Yes, sir.

Q Take your time. Relax yourself. Are you nervous?

A No, sir.

Q Were you threatened in any way not to appear before this Committee?

A No, sir.

Q Did anybody say anything to you which might indicate that perhaps you shouldn't be here today?

A No, sir.

Q On or about the 15th of October, a situation happened at Camp Hill. I would like for you to take this time now and in your own words -- take your time, slowly, loudly and clearly speak into the microphone and let us know what, in fact did you see or what in fact occurred on that day, and as a result of that, what you did?

A Well, we came back from the rock concert. I was the first one to walk into the door. I saw fire in the tier -- water and stuff like that. I locked up. Everybody else was locked up and that's when the guards came in -- Stotelmeyer, Forker, Ross (sic) -- came into the ward and all of the dudes that got beaten up was on my tier, and I saw when they was bringing them out --

Q You saw when they were bringing them out?

A Yeah, and they had them handcuffed and every time the dude walked, they banged his head up against the wall. And they did the same to the rest of them.

Q How long have you been at Camp Hill?

A Eight months.

Q How many?

A Eight months.

Q You went to that rock concert that night, didn't you?

A Yes, sir.

Q You weren't on restriction, were you?

A No, sir.

Q You didn't set those fires over there in that area, did you?

A No, sir.

Q Would you indicate to me whether or not you saw -- this is October 15th now -- whether or not you saw Sergeant Stotelmyer grab any of the fellows by the throat?

A He grabbed Burgh by the throat and Ptcheco.

Q Ptcheco?

A Yeah, and the rest of them by the hair?

Q By the hair?

A Yes.

Q Do you know Sergeant Stotelmyer?

A He work (sic) up there. He's the sergeant, that's all. I don't know him personally.

Q Can you point him out in this room today?

A He's sitting next to Mr. Himes.

Q Describe what he has on.

A Suit, blue shirt and tie.

Q Is that a strange type of thing that happens on your tier -- this incident?

A The first time it happened on my tier where I saw them bring all these dudes out -- the first time it happened on my tier, it happened before but I don't --

Q Have you ever been in the BAU before?

A Two times.

Q Two times?

A Yeah.

Q What type of place is it over there?

A It's a place for a dog. It's dirty. You only get to clean your cell once a week.

Q You clean the cell how much?

A Once a week.

Q What do you clean it with?

A Just sweep it out and mop it.

Q Who does it?

A We sweep it out and mop it.

Q Oh, you do it yourself?

A Yeah.

Q Is there a toilet in that room?

A Yeah, but they don't give us nothing to clean the

toilet with.

Q Is there a light in that room?

A No. We sleep on a mattress, and the bed is made out of metal, hooked up to the wall.

Q What type of food do you get there?

A Lousy food.

Q Do you know whether or not the guards eat the same thing you eat?

A They eat the same thing but their food is hotter than ours is. When we get our food, it's cold. The bread's hard. It's cold.

Q The two times that you had to stay in the BAU, did you stay there for a period of two weeks?

A One week.

Q One week each time?

A First time they let me out. The second time I was there a week.

Q Let me ask you this question: The BAU is what they call Mohawk, and under that is a hole. Have you ever been down in that hole?

A No.

Q Have you ever known anyone who has been down there?

A Magwood -- he said he was down there.

Q He was down there?

A Yeah.

Q So you have been at the BAU. So when these four correctional officers came and took these fellows over to Mohawk, could you identify whether or not they have individual correctional officers who work in Mohawk, or do they work in other places in the institution?

A Stotelmyer works on the juvenile side. Ross (sic) works on the juvenile side -- he works all over. Forker works in Mohawk.

Q Forker works in Mohawk?

A Yeah.

Q Who else works in Mohawk?

A About the only one I seen over there was Forker.

Q The rest came over?

A Yeah. They were walking back from the concert and they came over.

Q Do you know how many officers it usually takes to take someone out of their cell on your particular cell block and take them over to Mohawk?

A One.

Q How many?

A One.

Q Are you indicating to this Committee that it usually takes one officer to take an inmate to Mohawk?

A Yes, sir.

Q Does that one guard come in and handcuff an inmate and take him?

A Yes, sir.

Q You sat here this morning and heard some of the testimony. I asked the question whether or not they put the handcuffs around them tightly on purpose.

A Yeah. I got a mark here (indicating) from a sergeant that handcuffed me the first time I went to --

Q Do you still have those marks on your arm?

A Yeah.

Q Would you hold it up for the Committee to see.

(Mr. Sutton complied.)

BY REPRESENTATIVE RICHARDSON:

Q How long ago was that?

A About three months ago.

Q Okay, would you indicate to me whether or not you were also present on October 20th, which was five days after -- let me get the exact day -- it was Monday.

A I was present. That's when they had the search

down.

Q That's when they had what?

A Search down.

Q What is a search down?

A Where they come in the cell, tear it apart, see if you have any knives, forks, any kind of weapons.

Q What happens then? What do they do?

A They search us down. They go in our room, tear our room apart and tell us to lock back up.

Q They tear your room apart?

A Yeah.

Q Do they fix your room back up?

A No. I do the fixing.

Q What happened on that day?

A Well, Magwood, the dude downstairs on Tier 2 -- he's in 3 Cell --

Q Mr. Sutton, excuse me just one minute.

Place the microphone directly in front of you because the Committee is having a hard time hearing you.

(Mr. Sutton consulted with his counsel.)

BY REPRESENTATIVE RICHARDSON:

A Okay. Go ahead.

A Well, Magwood is downstairs on Tier 2 and I'm on Tier 3. And after they got done searching down the cells, they were locked up. They do one cell at a time. And this guard walked up to Magwood's cell and Magwood was smoking a cigarette. And, like, he burned the match pack, right? But when he threwed it out on the tier, it was out. And Magwood had his hand outside of the bars. The guard came in - the guard was outside. He smacked him on his hand with his hat and Magwood said, "What's wrong with you? You crazy man?" And the guard said to Mr. Himes, "Kick his cell."

Q When you say "kick his cell," do you mean open it?

A Yeah.

Q Because the Committee has to understand what you are saying, so I just wanted to do that for the record.

A He told him to open his cell. The guard went in and started choking Magwood. He got off Magwood and Magwood had something in his hand, I think. I'm not sure he had something in his hand. And the guard came out and Mr. Himes came in, mugged him, shut the door and ran back out. And that's when the lieutenant came in and the rest of the guards, jumped him and took him to Mohawk. They had him by his throat and handcuffs.

Q Where were you at this time?

A In my room. I was at my bars, in my cell, sitting in a chair.

Q Where is your cell?

A I'm on the top tier and he's downstairs.

Q Could you see directly underneath?

A I can see right in his cell. This is my cell up here and this is his cell over here (indicating). I can see right in his cell.

Q In other words, you are describing to this Committee that there is a tier on the second floor, which is a tier right underneath of you, and there are some cells on this side down on the first floor tier?

A We have four tiers.

Q You have four tiers?

A Yeah.

Q You are on the second tier?

A I'm on the third.

Q You are on the third?

A Yeah.

Q And Magwood is on what tier?

A Tier 1 and 2 is right across from each other. Tier 3 and 4 are right across from each other. And as I look down, Tier 4 - I can see all the way down. When I

look down Tier 2, I can only see about five or six cells.

Q Okay. So the tier you are on -- well, using this (indicating) as a diagram, you are on this tier here?

A Yeah.

Q And there is another tier under you, right?

A Yeah, Tier 1.

Q And you can see directly across on this side?

A I can see the upstairs tier and the downstairs tier.

Q What tier is Magwood on?

A Tier 2.

Q Okay. He's on Tier 2. And you are on Tier 3?

A Tier 3.

Q And therefore, you can see directly in his cell?

A Yes.

Q And you saw what happened?

A Yes.

Q Who was the guard who went into his cell?

A I don't know his name.

Q Is he present in this room today?

A Yes. He has a brown suit on. He's sitting next to Mr. Srock. He has a brown suit on.

Q (Indicating a brown suit.) -- Does the gentleman

have a tie on?

A Yes, he's got a tie on.

Q Does he have a light brown suit on?

A Yes, sir.

Q No one sitting next to him on either side?

A No.

REPRESENTATIVE RICHARDSON: Counselor for the Officers, would you identify the officer, please?

MR. KIRSCHNER: I beg your pardon, sir?

REPRESENTATIVE RICHARDSON: Counselor for the Officers, would you identify the officer, please?

MR. KIRSCHNER: At such time as the Committee elects to call those invited to attend this hearing, the individual can identify himself.

REPRESENTATIVE RICHARDSON: Do I have to go down the whole list?

MR. KIRSCHNER: Yes, sir; I'm afraid that is the way it will have to be done.

REPRESENTATIVE RICHARDSON: For the record, then, at this moment indicating that on the second row, fourth seat, that Mr. Sutton did identify the officer relating to the case in the incident on October 20th.

BY REPRESENTATIVE RICHARDSON:

Q From there, go on and tell me what happened.

A They took him out to Mohawk. The guard that had him by his throat, I don't think he is present at this time. He had him by his throat and had him by his hair. And two guards were holding him by his hands. They dragged him out.

Q How big is Magwood?

A He is about 5'-6".

Q About 5' - 6"? Is he a big man, big as me?

A No.

Q Big as you?

A No, not even big as me.

Q Is he smaller than Joe Snyder?

A About Joe Snyder's size -- not much meat on his body.

Q Do you think it required all of these guards to grab him and take him out of there?

A No, not necessarily, no.

Q Do you think because he lit the book of matches -- the book of matches caught on fire -- that is why they took him out of there?

A No.

Q Did you hear the guards say anything to Magwood?

A No. Just smacked him on his hand with his hat and told Himes to open the cell and went in there.

Q Did you see what happened when he went in there?

A Yeah. The guard was choking him. He was on the bed. Magwood was fighting back. When the guard was finished, Mr. Himes came.

Q Was there another guard who was there who is present in this room?

A Yeah, Mr. Himes, the dude in the last row.

Q The guy in the last row?

A Yeah.

Q What does he have on?

A Blue jacket, blue pants, tie, blue tie, and a blue shirt.

Q Indicating the last row, first gentleman, Officer identified in the October 20th incident that occurred at the institution.

Okay, go ahead.

A Then Magwood got up, and it seemed like he lost his breath. It took him a little time to get up. And the guard -- I think Magwood had something in his hand. I don't know what it was. Then Mr. Himes came in and mugged him and ran out and shut his cell. And that's when Lieutenant -- I

don't know his name -- Green -- came in his cell.

Q Is Lieutenant Green here?

A No lieutenant; he is just a regular guard. The lieutenant --

Q He was here today?

A Yeah. He's sitting in the back right there (indicating).

Q Where do you say the back is?

A Way in the back, the last row.

Q The last row?

A Yes, the last row.

Q Would you identify the man for me, please?

A He has on a white suit jacket. I don't see what kind of tie he has on.

Q Does he have a moustache?

A Yes, he has a moustache.

Q Indicating by the door of the Majority Caucus Room, Officer identified as the officer who was part of the incident on October 20th.

Would you go on, Mr. Sutton?

A The guard came in -- the lieutenant came in. Then another guard came in -- I mean Green.

Q Another guard?

A Yeah.

Q Is he here?

A That dude over there in the corner with eyeglasses on, green jacket, brown tie.

Q Identify him again.

A He has eyeglasses on. He has a short haircut. He has a green jacket on and is sitting over there by the guard with the uniform on.

CHAIRMAN HAMMOCK: Mr. Chairman, could you ask him to stand?

REPRESENTATIVE RICHARDSON: Yes. Since it is difficult to see him, could he raise his hand so we could see him?

MR. KIRSCHNER: Excuse me, sir. Is that one of the Correctional Officers?

REPRESENTATIVE RICHARDSON: Yes.

MR. KIRSCHNER: I'm sorry.

CHAIRMAN HAMMOCK: Well, now, counsel, I think you ought to perhaps advise this Committee how many of these men you represent. Do you represent all of them?

MR. KIRSCHNER: All of them in the room.

CHAIRMAN HAMMOCK: All of them in the room?

MR. KIRSCHNER: All of them in the room.

CHAIRMAN HAMMOCK: How many in the room do you represent?

MR. KIRSCHNER: I don't know how many invitations you sent out, sir. If you will tell me how many invitations you sent out, I will be able to tell you how many I represent.

REPRESENTATIVE RICHARDSON: I think you should watch the tone of voice that you use in addressing this Committee, sir. As Chairman of this Committee, I would like to let you know that you are addressing a committee of the House of Representatives. And if you want to continue to remain in this room, it would seem to me you would address this Committee as we have addressed you, sir, in a proper manner.

MR. KIRSCHNER: I am sure that I will reciprocate. If I am treated cordially and with respect, I will do the same.

REPRESENTATIVE RICHARDSON: Well, that's what we are asking you to do.

MR. KIRSCHNER: I am sure of that, sir.

REPRESENTATIVE RICHARDSON: Well, I hope I won't hear you raise your voice again in this committee room.

MR. KIRSCHNER: And I hope that the members of the Committee will treat me with the same courtesy.

REPRESENTATIVE RICHARDSON: Well, they have done

that thus far.

MR. KIRSCHNER: Very well, sir.

REPRESENTATIVE RICHARDSON: And I hope it will continue.

MR. KIRSCHNER: Yes.

REPRESENTATIVE RICHARDSON: And if I have to call anyone up here, I will. I have no problem with that?

MR. KIRSCHNER: Very well.

REPRESENTATIVE RICHARDSON: I am just trying to offer some courtesy.

MR. KIRSCHNER: I understand.

REPRESENTATIVE RICHARDSON: Have you stated your legal objection as to why, when they are being identified, that you don't want them identified?

MR. KIRSCHNER: I believe, sir, they are here by invitation. They are not here under subpoena. And I don't believe there is any responsibility or obligation on their part to present themselves and identify themselves at this juncture. If you call them to the stand, they will identify themselves at that point.

REPRESENTATIVE RICHARDSON: At this point, I think I would like to have Mr. Sutton get up and go over to the gentleman and put his hand on his shoulder as to who he is.

MS. CHOMSKY: Excuse me. I think he can describe him better.

BY REPRESENTATIVE RICHARDSON:

Q Will you identify him again, please?

A He's sitting by the water fountain over there.

Q Is he a black man?

A Yes, sir.

CHAIRMAN HAMMOCK: Mr. Chairman?

REPRESENTATIVE RICHARDSON: Representative Hammock.

CHAIRMAN HAMMOCK: Pursuing the question I was asking the gentleman over here before -- how many of these Security Officers does he represent in fact?

MR. KIRSCHNER: In fact, sir, I represent all of the Security Officers that were invited to appear here and received letters and are employed at the Camp Hill Institution. I don't know the precise number.

CHAIRMAN HAMMOCK: Do you represent those who may not have been invited by this Committee?

MR. KIRSCHNER: I can't make that determination at this juncture, sir.

CHAIRMAN HAMMOCK: Well, that's what I am asking you. How many do you represent?

MR. KIRSCHNER: Perhaps there is a problem of

communication. You say, do I represent those who have not been invited by this Committee? I don't understand. If they haven't been invited by the Committee, then there would be no reason for me to represent them.

REPRESENTATIVE RHODES: What difference does it make how many he represents? Why are we pursuing that line of questioning?

CHAIRMAN HAMMOCK: My question is -- I'm trying to find out from counsel --

MR. KIRSCHNER: My name is Richard Kirschner.

CHAIRMAN HAMMOCK: Mr. Kirschner, how many guards does he, in fact, represent that are in this room, since he says he represents everybody in the room.

REPRESENTATIVE RHODES: What difference does it make?

MR. KIRSCHNER: No, sir.

CHAIRMAN HAMMOCK: And how many does he represent that are not in the room?

MR. KIRSCHNER: I represent all of the Correctional Officers who are in the room at this point and who were invited to appear. I can't tell you how many more I may represent in the future. At this juncture I represent every one that is in the room that is employed as a Correctional

Officer at Camp Hill. I do not know how many invitations the Committee issued. And if I knew that, perhaps I could tell you, or at least project or speculate with regard to the additional number of individuals I may represent.

CHAIRMAN HAMMOCK: Very well, sir.

Thank you, Mr. Richardson.

BY REPRESENTATIVE RICHARDSON:

Q Mr. Sutton, you have identified the gentleman as Lieutenant Green?

A No. He isn't a lieutenant. He is just a regular guard. He has no stripes; he's just a regular officer.

Q A regular officer?

A Yes.

Q Very well, sir, go ahead and continue.

A They took him out. They took him out to go to Mohawk. The officer named Mr. Stewart --

Q Is he here?

A He's not present at the time -- had him by his throat. And the lieutenant over there (indicating) had him by his hair.

Q Over there - indicating up against that wall, the far wall?

A Right.

And Green and that guard right over there (indicating) had him by his hand.

Q Indicating the one on the second row that you talked about earlier in the brown suit?

A Yeah.

Q Go ahead.

A That guard back there (indicating) had him by his hand.

Q They didn't handcuff him?

A I didn't see no handcuffs.

Q What else did you see as they were taking him away?

A There was about thirteen other guards standing watching, and just watching Magwood get beat up. Captain Stotelmyer was down there. And I heard Captain Stotelmyer say, "You don't talk to officers like this

Q Who did he say that to?

A Magwood.

Q Captain Stotelmyer?

A Captain Stotelmyer.

Q Is he present?

A That's his daddy, I guess.

Q Is Captain Stotelmyer present?

A I don't see him.

Q You don't see him?

A No.

Q Go ahead.

A And he said, "You don't talk to officers like this." That's when the guards jumped him and took him up to Mohawk, and when he went to Mohawk, he was in the hole. He came back to the ward and he showed me these marks he had on his neck. And he had a razor blade and a guard tie clip.

Q A razor blade and what?

A A guard tie clip.

Q Where was this?

A It was in his cell. When the guards jumped him, I guess it fell off.

Q Fell off?

A Yeah.

BY REPRESENTATIVE RHODES:

Q How do you know he was in the hole in Mohawk?

(Mr. Sutton consulted with his counsel.)

BY REPRESENTATIVE RHODES:

Q You testified that Magwood was taken to the cells that are down in the basement of Mohawk, which they say they

only use for inmates who are acting out, not for punishment.

How do you know Magwood was taken down to the hole?

A That's what he said.

Q You know that from what Magwood told you?

A Yeah.

REPRESENTATIVE RHODES: Okay. Thank you.

BY REPRESENTATIVE RICHARDSON:

Q Would you describe to me again what you were saying about a tie clip and razor blade?

A Magwood showed them to me. I guess it came off the guard. I don't know what guard it came off of. And the razor blade he found by his bed. When he came out of Mohawk he showed it to me.

Q This was something that was inside of his cell?

A Yeah. When the guards jumped him, it must have come off the guard some way.

Q Okay. Did you say -- you can just answer yes or no -- did you say there was a razor blade and a tie clip inside of Magwood's cell after he was beaten or before he went to Mohawk?

A After he was beaten.

Q Then they took him to Mohawk?

A Took him to Mohawk. And when he came back out of

Mohawk, he was cleaning up his room, because the room was a mess --

Q They never cleaned up his room?

A No. If they ever mess up the room, you have to clean it yourself.

Q Would you repeat that again?

A If they ever mess up your room, you have to clean it yourself.

Q That is the guards you are saying?

A Yeah.

REPRESENTATIVE RHODES: May I ask him one question?

REPRESENTATIVE RICHARDSON: Yes, go ahead.

BY REPRESENTATIVE RHODES:

Q Are you saying that after the shakedown in Magwood's cell, after they had shaken down Magwood's cell, right?

A Yeah.

Q Magwood found a tie clip and razor blade?

A When the guards jumped him, it must have come off the guards' tie.

Q But not a razor blade?

A No. I'm saying that Magwood found half a razor

blade.

Q You are saying that Magwood found half a razor blade in his cell when he came back to his cell?

A When he came out of Mohawk.

Q When he came back from Mohawk and went to "C" Ward, he found half a razor blade in his cell?

A Right.

Q Is not the purpose of a shakedown to find things like razor blades?

A You're allowed to have razor blades, but I don't think you're allowed to have no tie clips.

Q You are allowed to have razor blades in your cell?

A They have men in there growing beards. They are allowed to shave.

Q They are allowed to have razor blades in their cells?

A But they are not allowed to have tie clips.

Q They are allowed to have razor blades but not tie clips?

A Yeah.

Q I wasn't aware you were allowed to have razor blades.

A They ain't going to stand there and watch us

shave. They give us a razor blade so we can shave.

Q But you have to give the razor blade back, don't you?

A No.

Q You can keep the razor blade?

A Yeah.

REPRESENTATIVE RHODES: Thank you, Mr. Chairman.

(Mr. Sutton consulted with his counsel.)

REPRESENTATIVE RICHARDSON: Is there something you wanted to say, counselor?

MS. CHOMSKY: I was just clarifying that they shake down for forks and knives, and they let them have razor blades. I mean, you said the shakedown was to find knives and forks, but a man can keep a razor blade in his cell if he shaves.

MR. SUTTON: Yes.

BY REPRESENTATIVE RICHARDSON:

Q Is that what they meant when they said earlier about guys swallowing razor blades?

A Yeah, they swallow razor blades.

Q What does that do?

A I guess they're trying to get out of there to

the hospital.

Q You don't swallow any, do you?

A No.

Q Mr. Sutton, what I am trying to do is establish -- you were present on October 15th and also on October 20th, is that correct?

A Yeah. All the dudes that got beat was on my tier, except Magwood. He was on Tier 2. The rest of them were on Tier 3.

Q All of them were on your tier?

A Yeah.

Q Did any guards ever smash you?

A He hit me on my jaw, and I tried to hit him back.

Q Who?

A He's not here. Some dude on the Eighth Ward, Sergeant -- I forgot his name.

Q Why did he hit you on the jaw?

A He said something about calling him a name.

Q Do you know of any other incidents that have occurred inside the institution that you personally have seen?

A I saw them bring one dude out from Tier 4 -- Greg Willery -- had him handcuffed and by his hair. They brought him out naked. Saw him going down the steps. They

must have thrown him down the steps. There was only one officer there.

Q Who was that officer?

A Stotelmyer.

Q Are you indicating to me Sergeant Stotelmyer again?

A I think he do (sic) all of the work.

Q So, in other words, you are saying -- does this happen a lot with this Sergeant Stotelmyer?

A Yes, sir.

Q Have the inmates ever reported this to Superintendent Patton?

A Patton only doesn't make his rounds about once every three months.

Q Once every what?

A Once every three months. We never get to see him. He doesn't like the cell block.

Q Are you indicating to this Committee that Superintendent Patton doesn't come through the area frequently and visit?

A Only time he come through is when they have a tour.

Q When they have a tour?

A Yeah.

Q You mean when he is bringing people in to the

institution?

A Yeah.

Q Like when we came over?

A Yeah; that's when he come in. When somebody gets hurt over there and it's an emergency, he'll be there. But unless it's something special, he won't be there.

REPRESENTATIVE RICHARDSON: Representative Hammock.

CHAIRMAN HAMMOCK: I have no questions,
Mr. Chairman.

REPRESENTATIVE RICHARDSON: Representative Lederer.

BY REPRESENTATIVE LEDERER:

Q Ron, when you saw the fires -- when you came back from the concert, you saw that there had been some fires?

A Huh?

Q When you came back from the concert, you saw there had been or were some fires?

A When I came back from the concert the fires were still burning.

Q And you saw that?

A Yeah.

Q What, in your own words, did you expect to happen then? Do you remember that?

A Well, I guess the fires -- the guys would go to

Mohawk.

Q Then you expected someone to go to Mohawk?

A I expected someone, but not the dudes that they did. They accused the wrong people.

Q You say they accused the wrong people, although you were at the concert when the fires started?

A They must have accused the wrong people. Since I've been here -- I was throwing water once myself. That was my first write-up when I came. And I don't think nobody on Tier 3 that I know of would start no fires.

BY REPRESENTATIVE RHODES:

Q Was there a fire on Tier 3?

A There was a small fire. There was smoke bad enough to make your eyes water.

BY REPRESENTATIVE LEDERER:

Q You said the inmates were brought past your cell on the way to Mohawk?

A All four of them.

Q Were their faces banged into bars on your cell?

A No. When they passed my cell, they didn't bang on my cell. But when they passed 2 Cell they hit them up against the wall.

Q Then you are saying three cells past you is when

they started hitting the wall?

A I'm in 3 Cell. 2 Cell is down that way.

Q All right, they did it on 2 Cell?

A Yeah.

Q Was anyone in 2 Cell at that time?

A One of the dudes that got beat up -- he was in there. They took him out last.

Q He was the last one to go by?

A He was the last one to go by -- my next door neighbor.

Q In the past, have you ever been in the tier when there have been fires?

A No.

Q That is the first time you experienced that?

A Yeah. I threw water but I never threw fire. Now, I got in trouble before when I didn't go to the movies that weekend. Some dude started throwing fire. And I told the guard I was putting it out. I threw about nine or ten cups of water down there. I got two months in my room -- no activities, no nothing.

(Mr. Sutton consulted with his counsel.)

MR. SUTTON: When you are confined to your room,

that means you have no activities. You don't go nowhere. You go, take a shower, go to eat, come back to your cell. And you can go to the commissary.

BY REPRESENTATIVE LEDERER:

Q I have one last question for you. It's a two-part question.

How late do you guys usually take showers?

A Well, one night "A" Ward goes first and the next night "C" Ward. We only stay in the shower for about two minutes.

Q Would they take showers after ten o'clock?

A No. We are supposed to be in our cells and locked up by nine. We take showers about 8:30. That's when Day Room is over.

Q So it is a possibility that they take showers about 8:30 or 8:00 o'clock?

A Yeah.

Q Now, for instance, say you were coming back from a concert and you hadn't had your shower yet, and it was time to take a shower, right? When you saw those fires, would you expect to take your shower that night?

A I always expect to take my shower.

Q Even though there are fires there?

A Yes, I still expect to take my shower.

REPRESENTATIVE LEDERER: No further questions.

REPRESENTATIVE RICHARDSON: Representative Miller?

REPRESENTATIVE MILLER: No questions, Mr. Chairman.

REPRESENTATIVE RICHARDSON: Representative Rhodes?

BY REPRESENTATIVE RHODES:

Q Ron, I just want to ask you a couple of questions.

Have you ever seen or heard of kids, inmates, juveniles at Camp Hill throwing feces or urine on guards?

A Not in "C" Ward that I know of.

Q You never heard of that?

A No.

Q You think the reason why the guards came down on those kids that night was as a show of force?

A They were trying to give us another show, but they only do that unless --

Q What were they trying to prove?

A They were proving that if we do something, that we get the same thing.

Q What?

A If we do something like that, we could get the same thing, maybe worse.

Q They are trying to intimidate --

A Just to let them know that they are the rule.
They got the handcuffs and we can't do nothing.

REPRESENTATIVE RHODES: No further questions.

REPRESENTATIVE RICHARDSON: Are there any other questions?

(No response.)

BY REPRESENTATIVE RICHARDSON:

Q Is there any other information you want to share with this Committee about what happened?

A No, sir, that's all.

Q Do you feel threatened or intimidated at all?

A No, sir.

Q Do you have any fear about going back to the institution?

A Any fear, no, sir.

Q Do you feel there will be any repercussions? Do you feel somebody will make any threats to you?

A Sooner or later they will start.

Q Why do you say that?

A Well, I get along with some of the guards, but not all of them. Some of them may threaten me, but I won't pay no mind to it myself.

Q Well, we would like to let you know that as this Committee continues to investigate this particular matter over there, that if there are any repercussions, any threats, any intimidations on anyone's part over there, or your family, we hope you will contact this Committee or your counsel, and we will take action right there.

Do you understand that?

A Yes, sir.

Q We would like to thank you on behalf of the Committee Task Force to Investigate Juvenile Incarceration for coming and testifying.

We hope you remember you are under oath. We might need to call you back again.

A Okay.

(Witness excused.)

REPRESENTATIVE RICHARDSON: At this time, can I see counsel for the correctional officers, Mr. Kirschner?

(Discussion off the record.)

REPRESENTATIVE RICHARDSON: At this time I would like to call Anthony Goodwin.

Is he present?

MR. GOODWIN: Yes.

ANTHONY G. GOODWIN, called as a witness, being first duly sworn according to law, testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q Would you state your name for the record, and your age, please?

A Anthony G. Goodwin, nineteen.

Q Would you indicate whether or not you are represented by counsel?

A Yes.

REPRESENTATIVE RICHARDSON: Would you state your name?

MS. CHOMSKY: Judith Chomsky.

BY REPRESENTATIVE RICHARDSON:

Q It has been a long day of hearings, Mr. Goodwin. And as I have asked every one who has stepped before this Committee, number one, are you here as a result of the fact that you were issued a subpoena to be here today?

A Yes.

Q Are you willing to testify to this Committee as to any knowledge you might have concerning problems that existed at Camp Hill?

A Yes.

Q Do you have any fear about testifying?

A No.

Q Has anyone threatened or intimidated you in any way?

A No.

Q Were your parents notified that you would be here today?

A Well, I gave them my phone number, and they said they would call.

Q But you don't know whether or not they talked to them?

A No.

Q Did you talk to them?

A No.

Q Were you ever interviewed by any one concerning the particular incident in which you were involved?

A Yes. I was interviewed by Smith, and my counselor here.

Q Do you know the seriousness of this Committee hearing?

A Yes.

Q Do you understand how important it is that the truth be told?

A Yes.

Q Do you know that there is a number of people who have testified thus far that are certainly concerned about problems relating to the State Correctional Institution at Camp Hill?

A Yes.

Q Knowing that the Press is here and there are other guards here and there is a public hearing being held today, are you still willing to testify before this Committee?

A Yes.

Q Recognizing all of that, then, Mr. Goodwin, I would ask, first of all, that you take your time. Any questions you don't understand, ask that they be repeated.

Any questions that are confusing, you can advise your counselor that you do not understand them. You don't have to answer right away.

We would like you to get into explaining, on or about the 15th of October, if you know, of anything that occurred inside of the institution that you want to share with this Committee.

A Well, on Wednesday, "C" Ward went to a concert.

Q Do you remember the date?

A The 15th. And Burgh -- he's right across from me -- well, everybody who stayed, we all are up front. We are around the same area, so when the whole ward leaves for a concert, there aren't too many people there. They can talk. You can hear three or four cells.

Q Did you stay back that night?

A Yes.

Q Why?

A I was on restriction.

Q You were on restriction?

A Yes.

Q Where is your cell in relationship to Mr. Burgh's?

A I'm 5 on 4, and Burg is 6 on 3. Our cells are right next to each other, right across, over a little bit.

Q He is right across, but over?

A Yes.

Q To your left or to your right?

A To my left.

Q Okay. Go ahead, Mr. Goodwin.

A Everybody was talking, you know. And the dude by the name of Myers, he lit a newspaper. That's all. It was a newspaper, and while it was burning, he was twirling it, and smoke was coming into my cell. So I hollered down and told him, I don't want no smoke in my cell. So he threw it out on the tier. It was just a newspaper. That's all it was, a newspaper burning. So while it was burning, you know, everybody was looking at it and smelling it, you know. And down in the middle of the tier somewhere are, like, these big lamps, and they burn all night. And if your cell is in front of them, they shine in your cell. And I was looking down there and I could see them shooting water, trying to put out the lights.

Q You indicated that you saw someone shooting water to try to put out the lights?

A Right. There was a guard named Wolfe making rounds, so he came in the ward and he seen it. And, like, the fire was right here -- 5, 6, 7 cells -- between all of them.

7-6

And he looked up at all of us. So he started looking up at Burgh. Then Burgh said, was he looking for a snitch? And he said, "Yeah, can you tell me something?" And Burgh said, all of the snitches went to the show. Then he wrote something down and looked up at Burgh. So then he left.

And he was standing by the door where I could see him.

Q Will you repeat what Burgh's remark was?

A Burgh asked him, was he looking for a snitch.

Q Explain what you mean.

A Was he looking for someone who would tell who lit the fire. And he said, "Yeah, can you tell me something?" And Burgh said that all of them went to the show. I guess he wrote something down. So my cell was facing, like, the hallway by the door so I could see.

So he was standing by the door and he was peeking through the window. So I told him he had better be cool, because the man is standing at the door. So, Burgh was supposed to have left the following day. So I was trying to tell him the guards would try and jam him on, and accuse him of lighting the fire. So, after that, everybody came back from the show. So, like, around five or ten guards were standing up front.

Usually when everybody comes back from the show, the guards would leave, but this time they were all standing up there. And I was telling Burgh that I had that feeling they were going to come and get somebody. But, like, I wasn't sure. It was just newspaper and water. So everybody was standing around talking loud about how the show was.

So, any other time our doors would be hit for showers, but for some reason they didn't get hit. All the guards kept standing there. So, the first thing you know, they started taking off their ties. They were standing there, and the lieutenant --

Q You say they took off their ties?

A Yes.

Q Who, the guards took off their ties?

A Yes.

Q Is this part of their uniform?

A Yes, part of their uniform. So they were all standing down there. And I had that feeling they were going to get somebody, because I seen them do it before. So they came up. Burgh was on his bars and I was on my bars talking.

I said, yeah, they were coming to get somebody, because there were four of them and they were coming fast. And they got by Burgh's cell, and they said, "hit it." And

7-8

before he could say anything, they grabbed Burgh by the neck. They pulled him back in his cell and he was on the bed. I could see him on the bed, and he was, like, hollering, "My arm, my neck," like he was choking him.

The next thing I know, he was coming out of his cell, and he was handcuffed behind the back. And, like, each guard -- one guard had his arms and they were raising him up, like, on his toes. And I seen a guard grab him by his neck. Sergeant Stotemyer had him by his neck choking him.

Q Is Sergeant Stotemyer in this room?

A Yes. He is the second from the end.

Q Could you identify what he has on?

A Checkered suit, blue shirt, blue tie.

So the man, like, didn't have no clothes on. And they were raising him up like this (indicating) on his toes. They were raising him up and I seen him holding him by his neck. And he was, like, pulling back and gasping for air. And they were, like, running his face into the bars. You know, they were taking him down, and he would, like, run his face into the bars.

Q Smashing his face into the bars?

A Yeah.

Q The bars of the cells?

7-9

A Yeah.

Q Do you think the reason they took off their ties was because they knew they were ready to get into something, and they didn't want to have anything on that they could grab onto?

A Yes, that's what they usually do.

Q So you have seen this before?

A Yeah.

Q So they come out of uniform in order to be able to not be grabbed by their ties?

A Right..

So they got him. Everybody was looking, seeing this. So I said, "Well, they got Burgh. He didn't do it." So, I was saying to myself, nobody knows who's next, because they get you and you didn't do it. They probably just took a few names. So they came back and I said, here they come again.

They came up the same tier. This time they hit Joe's cell.

Q Hit whose cell?

A Joe's. So they got in front of his cell, they said, hit it. They all went inside, like, I couldn't see what they were doing, but I know they were moving on him,

7-10

because you could hear it. You could hear the bed moving and him hollering about his arms.

So, when they came out they had him the same way -- handcuffed, the hands raised way up behind his back, taking him down the tier. They went through the same thing -- run his head into the bars to the end of the tier. Like, when they got to the end of the tier, there is a rail, so they raised him up so far that his foot got caught in the rail. The next thing I know, I seen him go down. And when he got to the steps I heard him, like, make another fall. Then they got him again, and that's all I seen of him.

So, they came back again, same tier, went down to "Chico's" cell. So when they hit his door, they all went in, but they must have had a hard time getting him, because they were moving on him for a long time. When he came out, they had him by his, like, throat and, like, his head, and they way they had him, he wasn't really walking, because they were raising him up and down. and they would run his face into the bars, just like they did everybody else.

So they got him out the door and they came back and got "Capone" -- that's what we call him.

Q That's Michael Culp?

A Yeah.

7-11

Q Hold on just a moment.

All of the guys they grabbed, were all of them taken out of their cells naked?

A Well, Burgh didn't have no clothes on. Joe just had his shorts on, and I think "Chico" -- by that time I think he had his clothes on -- I'm not sure. And "Capone," I think he had his clothes on.

Q Do you think there was any reason why they took Burgh without clothes on?

A Because that's the way they caught him.

Q He was getting ready for the showers?

A Yeah.

Q And it just so happened that he --

A Had his towel around him, so they just took him out like that.

Q Is that customary that they wouldn't allow him to put his clothes on?

A No. They don't allow you to do that.

Q Why do you think they don't allow you to do that?

A When they come to get you, you know, like, you're supposed to be ready for them. If you don't know about it -- Burgh didn't know. See, Burgh didn't do nothing, so I guess he didn't think they were coming to get him. So, when they

come and got him, he went just like that.

Q How long have you been at Camp Hill?

A Thirty-two months.

Q Thirty-two months?

A Yeah.

Q Have you ever been down to the BAU?

A Yeah.

Q What they call "Mohawk?"

A Yeah.

Q How many times?

A I don't know how many times.

Q Lots of times?

A Yeah.

Q For what?

A Cussing at a guard.

Q Cussing at a guard? Stop there. Will cussing at a guard get you taken down to Mohawk?

A Oh, yeah. You see, like, if you cuss at them, it might be a thing where you cuss at them, then you know they are going to write you up. So what they do, they'll write you up and you're supposed to go to court. You don't win when you go to court. So you, like, go inside there, and you don't,

like, play the role of, like, "I'm sorry," they jam you and take you to Mohawk.

Q Have you ever been down in the hole?

A Yeah.

Q What's it like down in the hole?

A Well, I heard a guy --

Q Don't tell me what you heard. You were in the hole?

A Yes.

Q What did it look like?

A Well, when I was down there, like, it's got a toilet, sink. They cut your water off when you're there. You don't wear nothing but your shorts.

Q Do you have shoes on?

A No.

Q That dirty floor and you are walking around with no shoes on?

A No. shoes; no clothes, just your shorts.

Q Is it cold on the floor?

A Yeah, it's cold. You get a mattress and a blanket. They cut your water on -- every time you sit down, you know, on the toilet, they cut your water on. After you flush it, then they cut it off. And, like, a cup of coffee will be half

a cup. Like, a box of cereal, they will pour some of that out. One egg, one piece of bread --

Q How long were you down in that hole?

A The longest I stayed was two weeks.

Q Two weeks?

A Yeah.

Q Now, is there any light down there?

A Outside?

Q In your cell?

A No.

Q You were downstairs for two weeks. I was told they don't allow anybody to stay down there more than three days at the longest, at the most, three days.

A I stayed down there two weeks; sometimes a week.

Q When was that?

A This was back in '73.

Q Have you been in the hole this year?

A Yeah.

Q How long did you stay this year?

A I was down there three times. I stayed three days, like, from Friday to Monday. Then Saturday to a Tuesday, then I stayed one week, like, eight days.

Q This year?

7-15

A Yeah.

Q Let me ask you this question: You ask your counsel whether or not you should answer it.

Why did they send you downstairs into the hole?

(Mr. Goodwin consulted with his counsel.)

MS. CHOMSKY: Do you want to ask him again the same question?

REPRESENTATIVE RICHARDSON: Would the reporter please read back the last question?

(The last question was read back by the reporter.)

MR. GOODWIN: Like, the hole, right -- everybody talks about it, like, when you go down into the hole. And, like, when you are placed in Mohawk, you are on the BAU side. You don't belong to nothing, right? You just got your jumpsuit -- shorts, shoes and a pair of sneakers -- a bed, mattress --

BY REPRESENTATIVE RICHARDSON:

Q Hold it a moment. What I wanted to know was what you went down in the hole for.

A Oh, what I went down for, the last time?

Q The one period of time you were there for eight

7-16

days?

(Mr. Goodwin consulted with his counsel.)

MR. GOODWIN: A friend of mine on the AC side, he got into an argument with the tier worker, and the tier worker got hot chocolate and threw it in his cell. It got on his TV, and the TV went out. So, when they was bringing him on my side, taking him into the hole, I asked the tier worker what happened. So the tier worker started to tell me, tried to be rough, you know.--

Q A tier worker is another inmate, is that right?

A Right.

So the tier worker had my food. They bring the food to your cell and you eat in your cell. So, since we got into an argument, he skipped past my cell with my food. So when he come back past, I threw a cup of water on him, right? And he went and told the guard on me and they came and got me.

Q And took you down to the hole?

A Yeah.

Q Did you have a hearing?

A After I came out of the hole.

Q After you came out?

A Yeah.

Q You didn't have one before you went in?

A No.

Q Do you have a hearing before you go to the hole?

A No. They beat you up, take you down. If they beat you up bad, they wait -- they marked me up, right? So it took me three or four days before it cleared up. Then they take you to a hearing.

Q Is that customary?

A Yeah.

Q Let me ask you this: While you were down in the hole, have you ever seen anyone else brought down there?

A Yeah.

Q What is the kind of clothing that you have? Say that again.

A Well, like when you're on BAU, you wear a jumpsuit and a pair of sneakers. That is all you wear. And you have your shorts on. And the jumpsuit has buttons down the front, like. So when they take you down to the hole, they get you with whatever you got on. If you've got a jumpsuit on, they bring you down in the hole, but if you ain't got that on, they get you in whatever you've got. So I seen a couple come down.

Q How were you dressed when you were down there?

A With my shorts and that's all. But the last time

I was down there -- before the last time -- we took water and we were throwing it on the tier. So they came in our cells and they took my shorts from me, so I didn't have nothing.

Q Took your shorts away from you?

A My blanket, my mattress and my shorts.

Q So you slept on the cold --

A I couldn't sleep on it, so I stood up, because it was around about February.

Q Did you complain about this at the hearing?

A They know how it is at the hearing. It'll do no good.

Q Are you trying to tell me that you don't know anybody who has won any of these cases at these hearings?

A You don't win no case. Even if they don't give you no restriction, they still give you the write-up. You don't win nothing.

Q Let me establish this, Mr. Goodwin. You are indicating to this Committee that you don't have a hearing before you go to Mohawk or to the hole, that you have it after?

A It all depends. Like if they write you up and you stay in your cell and go to court, then you go to Mohawk. But if they lock you up, they lock you in Mohawk first or

down in the hole first. Then you go to a hearing.

Q Like, for instance, that night of October 15th, when you saw Burgh and Snyder and "Chico" taken out of their cells, and they went evidently -- because you don't know where they took them -- to Mohawk, did they have a hearing?

A Not before they went. I don't know how long it was after, if they did.

Q So, therefore, you are indicating to our committee that there is no procedure, no rules set up to allow you to express yourself before you go over there?

A No. They tell you in your face that you are wrong. They tell you that the guards don't do nothing to you for nothing; if they write you up, they have a reason. They tell you this no matter what you try to explain.

Q So, in other words, they have already declared themselves the judge and the jury, and it is decided?

A Right.

Q So you don't have any say-so?

A You just go in and see what they are going to give you.

Q Does Superintendent Patton ever attend those hearings?

A It would be the Captain.

Q Captain Who?

A Malar. Sometimes the counselor would be there, and usually the guard that writes you up.

Q Okay. When you are in the hole, do other inmates serve you food?

A Yeah, at times, and the guards do, too.

Q So, it is both?

A Yeah.

Q So inmates who have special privileges and guards serve you food?

A Yeah.

Q And how is the food over there?

A Like, they give you what they want to. It's cold. Like, I don't eat that much, but usually people who like -- they give you a cigarette after every meal. Some people just give up the food for the cigarette, because they know there ain't nothing to it. And if you don't smoke, you know -- and like, every once in awhile they will bring you down a decent meal. So, if you don't smoke -- like, I don't smoke -- I will give my cigarette away for some of the bread and butter, or else I would starve in there.

Q Or else you would starve in there?

A Yeah, you would get hungry.

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Q The other inmates that have come before the hearing -- do you know of any that has ever won a case?

A You don't win nothing.

Q You don't win?

A No.

Q You have been there 32 months. Going back some time in '73, the time that you were in the hole, do you remember what month of the year it was?

A It was in April.

Q I would like to have that checked; I really would.

I am concerned, Mr. Goodwin, that not only have you witnessed certain things that have occurred there, but I am concerned about the general attitude of the institution. Do you feel that the guards there have an attitude against some of the inmates there?

A Yeah.

Q Why do you think that?

A Well, it's more of a thing -- right? -- they try to, you know -- you do what they want you to do. And it seems like a thing where, like, they have some people saying, "don't do this, because they will come get you; they will move on you." And some people think that way and that is what they like.

Q You have been there, I think, long enough certainly to express to this Committee whether or not you have seen Sergeant Stotelmyer abuse any persons at all in the prison. And if you have, we would like you to tell us, if you have seen it.

A Yes, I have seen.

Q Give me an example.

A Like when I was in Mohawk last time, I was in there -- no, not the last time -- around July. There was a friend of mine named "Tang," I don't know exactly what he done, but they came to his cell. The guard stood in front of him, and everybody was saying "Whose cell are they going to get?" So there is a saying in there, like, when the guards come to your cell, they don't ask you to put out your hands and put the handcuffs on, like, they don't do that. When they come to your cell, they are going to get you, no matter what you do. So, when you are at Mohawk, they say, defend yourself the best you can.

What they used to do -- if they know you ain't going to let them get you easy, they will come and say, "Come here and put the handcuffs on, and we'll take it easy." That's what they say to you, and you let them put the handcuffs on, and they still beat you up. So, everybody was hollering at

"Tang" to watch out. Don't fall for it. The next thing I knew, they came back with Mace. They sprayed a lot of it. Everybody was coughing.

Q Hold it.

They did what?

A They sprayed some Mace. That's what they call it.

Q What is Mace? What do you think that is?

A It's supposed to be some kind of gas, some kind of tear gas.

Q Who did they spray it on?

A The dude's name is "Tang." I don't know his whole name.

Q What does it do?

A Chokes you, burns your eyes.

Q Have you ever had any Mace sprayed on you?

A No, never had it sprayed on me.

Q Do you know the reaction that it does have on people?

A Well, like, when they spray, they don't spray it on one person. They just shoot it all over your cell, and it sprays all through the ward, and everybody is coughing and choking and whatever.

Q You are an adult now, right?

A Yeah.

Q At the time you went in, you were a juvenile, right?

A Yeah.

Q Are you locked up presently now with other juveniles?

A Right. I'm in "C" Ward now.

Q Are there juveniles in "C" Ward?

A Yeah.

Q And you are an adult? You were adjudicated as a juvenile?

A Right.

Q Are there any adults on "C" Ward?

A No, no.

Q That's the juvenile section, right?

A Yeah.

Q What about the BAU, are there adults in the BAU?

A Right.

Q So the juveniles that are taken over there to the BAU and to the hole, other adults could be in the hole, right?

A Right.

Q And also in Mohawk, right?

7-25

A Right.

Q I am concerned with the fact that you have brought these things to the attention of this Committee, Mr. Goodwin.

I would like to know how many times a day you are served food?

A Three.

Q What would you say the caliber of the food is?

A What?

Q The type of food?

A Well, they will serve you, like, hamburger, and they will serve you, like, some kind of liver. And the next day you will see stuff like noodles with that meat you ate the day before all chopped up in there. The food ain't decent. Once in a while they'll bring chicken and once every other week, steak.

Q Do the guards eat the same kind of food you eat?

A Well, they're supposed to. I never saw when they sat down to eat.

Q What type of educational programs do you attend at Camp Hill?

A Well, I'm not in a school but I signed up, like, for someone in our population to teach me privately.

Q What type of programs are there for juveniles at

Camp Hill?

A Well, in the summertime we play volley ball, basketball and football. But now you don't do nothing. You just come out of your cell for an hour and a half every day, sit down and watch TV, play cards.

Q Do you go outside?

A No, not now.

Q Why?

A They don't let us go out.

Q Is it a rule of the institution that you don't go out, like after October 15th?

A After a certain month, they don't let you go out.

Q There is very little activity inside the institution, right now?

A Right.

Q Does anyone ever ask Superintendent Patton for programs to be initiated inside the institution?

A I don't know no one personally.

Q Have you ever requested that?

A No.

REPRESENTATIVE RICHARDSON: Representative
Hammock?

CHAIRMAN HAMMOCK: Mr. Richardson, I have no

questions for the witness. I would just like to ask Ms. Chomsky a question, if she would come forward, please.

(Discussion off the record.)

CHAIRMAN HAMMOCK: I have no questions.

REPRESENTATIVE RICHARDSON: Representative Lederer?

BY REPRESENTATIVE LEDERER:

Q Mr. Goodwin, I am going to try to make this as short as possible. I know you are tired.

How many guards usually take an inmate to Mohawk in the 32 months you have been there?

A The least you see is four or five.

Q The least you see is four or five?

A Yeah.

Q Have you ever seen one guard take one inmate?

A Oh, you mean, just take him?

Q Yes.

A Yeah, I seen one.

Q Is that usually what happens, or is there usually three or four?

A Well, if they are just going to take you there and they don't have nothing in store for you, there is usually just one or two.

Q Let me try to rephrase that.

As a rule, when you are in your cell -- and not maybe when you are in school or the recreation yard -- when you are in your cell, how many guards?

A If they are just going to lock you up, just one and sometimes two.

Q So usually you would say it is one or two that takes you?

A Right.

Q On the night of October 15th when these other inmates were being taken to Mohawk, was anything said to you by any of the officers?

A No.

Q They completely ignored you?

A Right.

Q Had you ever seen fires at Camp Hill before?

A Yeah, I seen them.

Q You have seen them before?

A Right.

Q How regularly do you see them?

A When I say fire, I ain't speaking of --

Q I mean little fires -- toilet paper, bags.

A It is really a thing you see in Mohawk. You don't see

them on the wards that much, unless somebody decides to light up a newspaper or a piece of toilet paper. It's not a thing where they are trying to burn the place down. They are just trying to --

Q A protest thing?

A No, not a protest thing. They just light a piece of paper or they make an aeroplane, light it up and throw it. It's just a thing you see them do once in a while.

Q What is the usual punishment for that?

A You just get a write-up, or you know, they might take you to Mohawk once in a while. If you do it and the person decided you wanted to start trouble, they might lock you up. Like, usually in Mohawk, that's where you see fires. They take you down to the hole.

Q In Mohawk they take you to the hole, but in general population, they either write them up or take you to Mohawk?

A Right..

Q On the night of October 15th, I think we may have established some tension by some of the fellows who wanted to go to the rock concert and were being disciplined and couldn't go. Was there much chatter around the tier that night while the other inmates were at the rock concert?

A Same old thing, you know. When everybody goes to the movies, it's like 70 or 80 people, so you have, like, five or ten or fifteen left there. And you know, like, everybody has their radios up. They cut them up real loud, because that's the time they feel, you know, they can do what they want. So they cut the radio up as loud as they want. They cut the TV up, because, like, if the guards are there and you have the radio up loud, they will come and tell you to turn it down, or they will take it or write you up.

So, when the guards are not around that's when, if you want to talk to someone, say, two cells down, that's the time to do it. So, like, that's the usual thing.

Q So that is kind of a normal thing? The guards would be kind of used to this sort of thing?

A What's that?

Q That on a night when there is a movie or concert and few fellows have to stay back in their tiers, the guards could almost expect that there will be a certain tension, that the guys will turn up their radios and talk real loud?

A Once in a while, yeah.

Q It's kind of a normal thing, then?

A Right.

Q When you saw the fires on October 15th, did you

expect someone to go to Mohawk?

A No, not for burning newspapers or pieces of toilet paper. That's what I seen burning. I expected that they were going to give them a write-up, but I didn't expect them to go to Mohawk for a newspaper, or something like that.

Q And the normal life of the institution would go on?

A Right.

Q One last question.

The last time you were in the BAU, over in Mohawk, did you get an hour's recreation a day or two hours recreation a day?

A No, you don't get no two hours.

Q What did you get?

A Well, they come around, say, 7:30 or 8:00 o'clock, and they hit like five or six doors at a time. And they tell you to go in the showers. They tell you you have a minute to wash up and a minute to soap off. Then if you ain't done, they cut off the water and you come out. And you come out to dry off. So they tell you you have to walk around in circles. No games or nothing, just walk around in circles, like ten or fifteen times. Then you turn in. That's it for the day.

Q When you say a "circle," could I assume that would be the walk?

A It's like a walk, yeah.

Q Do you know what I mean by the walk?

A No, I don't.

Q Well, the walk would be -- say, there are ten cells on the tier. The walk would be the vicinity right in front of it. Is that where you would circle?

A Right.

Q Were you ever permitted to go outside?

A A couple times. There's like a yard, maybe from that wall to this wall (indicating). And you go out there. That's only summertime, right? Like, if a "White Hat" come through and he's feeling good, he'll say, take them out. Then you go out. If not, you don't go out, and you go out there for fifteen, thirty minutes.

Q When you were in the hole, did the doctor come every day?

A Yeah. He came down there the last three times I was down there. Because when they got me along with another dude -- I don't remember who the guard was -- but when they were beating me up, a guard grabbed me in my privacy and he was squeezing it. And after I got down in the hole, I couldn't urinate for a couple of days. And I kept telling the doctor about it. So he came in to see me and another

dude about that.

Q How about your counselor, was he there one day a week?

A The counselor don't come down to see you in the hole.

Q How about the chaplain?

A No.

REPRESENTATIVE LEDERER: Thank you.

REPRESENTATIVE RICHARDSON: Representative Miller.

BY REPRESENTATIVE MILLER:

Q When you were down in the hole, what would happen if you became very ill? Could you get the attention of the --

A If you became very ill, they would probably come down.

Q Before they put you in the hole, did they ever hit you?

A Did they what?

Q Did they ever hit you?

A You don't go down in the hole unless you go through that. There's a saying -- you don't walk down the steps. It's like fourteen or fifteen steps.

Q They bounce you down the steps?

A Right.

Q Intentionally, I assume?

A Yeah.

Q Did any guards ever do that to you?

A A lot of guards a lot of different times.

Q What's a lot? Five times, six times?

A I was down there eight times.

Q The longest you were down there was fourteen days?

A Right.

Q After they bounced you down the steps, did anyone ever attend you for medical treatment? Does the doctor come down and check on you?

A No. This is how they work it. If you ain't seriously hurt, you don't get no doctor. But if they know they hurt you pretty bad, that there might be some trouble, then they call the doctor.

Q Would you answer a question for me?

If you are standing in the middle of Mohawk on the first floor, where is the hole from there? We were in Mohawk, but they never showed us where this hole was.

A It's all the way in the back.

Q In the back where the showers are?

A No. You know where the showers are at?

Q Yes.

8-25

A All the way back there is a turn and there's, like, some steps that go down.

Q Every time they put you down in the hole, somebody bounces you down the steps?

A Yeah.

Q Did you try to defend yourself?

A Well, it became a thing where after the first or second time they did it, I just took it for granted that it was best for me to defend myself.

Q Do you know that nurses and doctors are supposed to visit the Mohawk section every day?

A Yeah.

Q Do they?

A They come in, but usually they keep walking.

Q They don't stop and check you and see you and talk to you?

A No. If they know something is wrong with you, they will stop. And if you just stand there and say, "I want to see you," they don't stop. There is one doctor that will stop and give you a little bit of his time.

Q Do the nurses come as well, or is it just the doctor?

A Just the doctor.

Q Do you know if that doctor visits the hole?

A Yes. He's the one that comes down to the hole, too.

Q So, if you had something wrong with you, you could at least tell him about it?

A Right.

Q It was just suggested to me that -- do you know who the doctor is? Do you know the doctor's name?

A I don't know his name.

Q Could you recognize him if you saw him?

A Yeah.

Q Is he a good guy or a bad guy?

A He's all right.

Q He's all right? He'll listen to you?

A Well, you see a lot of different doctors. There are four or five of them.

Q Is he here today?

A Yeah. He's over there with glasses on (indicating.)

BY REPRESENTATIVE RICHARDSON:

Q Describe him.

A Heavy set dude sitting there with a checked coat on.

Q Indicating the man with the blue tie on?

A Right; with a pair of glasses on.

REPRESENTATIVE MILLER: Mr. Chairman, would it be possible to ask the Doctor a few questions?

REPRESENTATIVE RHODES: He is coming on.

REPRESENTATIVE MILLER: Is he coming up later?

REPRESENTATIVE RICHARDSON: Doctor, would you please approach the bench?

WARREN E. ULSH, called as a witness,
being first duly sworn, according to
law, testified as follows:

REPRESENTATIVE RICHARDSON: Would counsel please identify himself?

MR. GOLDSTEIN: Neal Goldstein.

REPRESENTATIVE RICHARDSON: You are represented by counsel, then, Doctor, is that right?

MR. ULSH: That's right.

REPRESENTATIVE RICHARDSON: Would you state your name for the record, please, and your position?

MR. ULSH: My name is Warren E. Ulsh.

REPRESENTATIVE RICHARDSON: And your position?

MR. ULSH: Corrections Infirmary Supervisor.

REPRESENTATIVE RICHARDSON: Representative Miller.

REPRESENTATIVE MILLER: Thank you, Mr. Chairman.

You are a Corrections Infirmery Supervisor, is that your title?

(Mr. Ulsch consulted with his counsel.)

MR. ULSH: Yes.

REPRESENTATIVE MILLER: Are you an M.D.?

(Mr. Ulsch consulted with his counsel.)

MR. ULSH: No.

REPRESENTATIVE MILLER: Osteopathic Physician?

MR. ULSH: No.

REPRESENTATIVE MILLER: Do you hold any medical degree of any type?

MR. ULSH: No.

REPRESENTATIVE MILLER: Are you a registered nurse?

MR. ULSH: No.

REPRESENTATIVE MILLER: A practical nurse?

MR. ULSH: No.

REPRESENTATIVE MILLER: What medical experience do you have?

(Mr. Ulsch consulted with his counsel.)

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MR. ULSH: I have prior training from the Service.

REPRESENTATIVE MILLER: Which branch?

MR. ULSH: United States Navy.

REPRESENTATIVE MILLER: Navy Corpsman?

MR. ULSH: That is correct.

REPRESENTATIVE MILLER: You are not a Navy Paramedic, but you are a Navy Corpsman?

MR. ULSH: Yes.

REPRESENTATIVE MILLER: As a Navy Corpsman, do you consider yourself qualified to make routine medical inspections at Mohawk?

(Mr. Ulsh consulted with his counsel.)

MR. ULSH: Yes.

REPRESENTATIVE MILLER: And what is the basis for you determining that you are qualified to make routine medical inspections in Mohawk, of the prisoners there incarcerated?

(Mr. Ulsh consulted with his counsel.)

MR. GOLDSTEIN: Would the reporter please read the question?

(The last question was read back by the reporter.)

REPRESENTATIVE MILLER: I don't want to assume the answer, but I will accept the answer that it is based on his prior Navy training.

(Mr. Ulsh consulted with his counsel.)

MR. ULSH: Yes.

REPRESENTATIVE MILLER: In other words, you are not making a medical diagnosis of any patient, but merely observing them, is that correct?

(Mr. Ulsh consulted with his counsel.)

MR. ULSH: My function, when I go to BAU, is to perform a screening function for the physician.

REPRESENTATIVE MILLER: To perform a screening function for the physician.

MR. ULSH: That's right. I see the inmate initially and refer to the physician.

REPRESENTATIVE MILLER: Do you counsel with each inmate as to his difficulty? Do you check each inmate in Mohawk?

MR. ULSH: Yes.

REPRESENTATIVE MILLER: Let the record note that is contrary to the testimony that the inmate gave.

In screening the --

REPRESENTATIVE RHODES: Mr. Chairman, I beg to differ with that characterization of the record. As I recall the record, the witness said that this was the only doctor that did stop and talk and that the other doctors did not.

MS. CHOMSKY: No.

REPRESENTATIVE RHODES: If I recall, that was the testimony given.

REPRESENTATIVE RICHARDSON: Hold it.

REPRESENTATIVE RHODES: No, I think it was clear.

He testified --

REPRESENTATIVE RICHARDSON: Hold it.

REPRESENTATIVE Rhodes: No, you hold it.

He testified that this man was the only doctor that did stop and talk to every resident, and that the other doctors that went through didn't.

REPRESENTATIVE RICHARDSON: Now, hold it. We have Mr. Goodwin sitting here.

Mr. Goodwin, what did you say?

MR. GOODWIN: The doctor I was speaking of stopped and checked me was another short doctor.

REPRESENTATIVE RHODES: Oh, it wasn't this doctor?

MR. GOODWIN: No, he had stopped at the time and

asked if I had any problems.

REPRESENTATIVE RICHARDSON: He said, he would stop and listen.

MR. GOODWIN: That's right.

REPRESENTATIVE RHODES: I yield, Mr. Chairman. I'm sorry.

REPRESENTATIVE RICHARDSON: Representative Miller.

REPRESENTATIVE MILLER: In your daily procedure of making these routine medical checks, it is established that -- let me phrase that another way.

In your daily routine of making your medical screening process to recommend to the local physician, do you go on pretty much a gut instinct of who is ill and who isn't? Do you take reports from the guards and try and screen that?

(Mr. Ulsch consulted with his counsel.)

MR. ULSH: On advice of counsel I refuse to answer this question on the ground that my answer may tend to incriminate me and I, therefore, invoke my rights under the Fifth and Fourteenth Amendments of the United States Constitution, and my rights against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

REPRESENTATIVE RICHARDSON: Could you please

repeat your question?

MR. KAGAN: Would the reporter please read that back?

(The last question was read back by the reporter.)

REPRESENTATIVE RICHARDSON: Thank you.

REPRESENTATIVE MILLER: Let me take another tack. I am trying to stay away, quite frankly, from putting you in the role of defendant. I am trying to ascertain what kind of routine medical care was available.

Let me ask the question this way: In examining your patient during the routine check, do you give the type of examination that normally would be expected to be within the ability of a Navy Corpsman? Do you give that type of examination?

(Mr. Ulsh consulted with his counsel.)

MR. ULSH: On advice of counsel, I refuse to answer this question on the ground that my answer may tend to incriminate me and I, therefore, invoke my rights under the Fifth and Fourteenth Amendments of the United States Constitution, and my rights against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

REPRESENTATIVE MILLER: Just two brief questions.

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I see we are getting into an area where we may not get answers.

As you are sitting there, am I conscious or unconscious?

(Mr. Ulsh consulted with his counsel.)

MR. ULSH: You are conscious.

REPRESENTATIVE MILLER: Was Mr. Snyder, on the night of the 15th of October when he visited your infirmary, or your dispensary, at 9:10 p.m., conscious or unconscious?

(Mr. Ulsh consulted with his counsel.)

MR. ULSH: On advice of counsel, I refuse to answer this question on the ground that my answer may tend to incriminate me and I, therefore, invoke my rights under the Fifth and Fourteenth Amendments of the United States Constitution, and my rights against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

(Laughter)

REPRESENTATIVE MILLER: Did you --

REPRESENTATIVE RICHARDSON: Excuse me, Representative Miller.

I would like to request that the audience not make

any remarks. Everybody is entitled to his constitutional rights, and as Chairman of the Committee, I will run this hearing accordingly, and afford every one the same opportunity as I have all of the inmates that have come before this Committee.

Representative Miller?

REPRESENTATIVE MILLER: I don't want to prolong this. I realize the posture you are in and that your counsel is in, and I would probably take the same posture if I were in your stead right now. I am trying to get at the basic question, for your information, as to whether or not adequate medical care is available to the residents on an ongoing basis through routine examination as is indicated by regulations of Camp Hill.

So I will posture these two questions to you, not as a medical officer of Camp Hill Correctional Institution, but as one who has observed by virtue of having worked there, the medical treatment.

I have just two brief questions.

Do you feel emergency medical services are adequate at the institution?

(Mr. Ulsch consulted with his counsel.)

MR. ULSH: I would like to decline to answer that

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on the grounds that I do not feel I am authorized or competent to answer that question.

REPRESENTATIVE MILLER: Do you feel merely as an observer of the program at Camp Hill that medical services to prisoners could be improved?

(Mr. Ulsch consulted with his counsel.)

CHAIRMAN HAMMOCK: Mr. Chairman, while counsel is consulting with his client, I would like to make just an observation for the record, that if possible, we have the Attorney General, Mr. Kane, to come before this Committee as soon as possible -- hopefully, this afternoon or tomorrow morning -- just for a very brief time, if he will make himself available, or perhaps one of his deputies.

MR. GILMAN: If you could explain the reason, I would be happy to communicate your wishes to Mr. Kane.

CHAIRMAN HAMMOCK: Well, I will be happy to explain my reason to Mr. Kane if he is able to make himself available.

MR. ULSH: In answer to your question, here again, I don't feel as though I am authorized or qualified. However, I do feel that medical facilities and treatments could be better in all areas.

REPRESENTATIVE MILLER: I thank the gentleman for his cooperation. I appreciate his circumstances. Thank you, counsel, and Mr. Chairman.

REPRESENTATIVE RICHARDSON: Representative Rhodes.

REPRESENTATIVE RHODES: I have no questions for Mr. Ulsh.

I have questions for Mr. Goodwin.

REPRESENTATIVE RICHARDSON: Hold on a minute.

Does any one else on the Committee have questions to ask of the doctor?

REPRESENTATIVE LEDERER: Sir, for the record, in your duties, do you ever prescribe or administer medicine or needles of any type? And it could be oral medicines also.

(Mr. Ulsh consulted with his counsel.)

MR. ULSH: I cannot prescribe; however, I do administer, or can administer, medication prescribed by a physician.

REPRESENTATIVE LEDERER: Could you also dress wounds, lacerations, abrasions?

(Mr. Ulsh consulted with his counsel.)

MR. ULSH: Yes.

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REPRESENTATIVE LEDERER: Thank you.

REPRESENTATIVE RICHARDSON: Mr. Ulsh, I just want to ask you a question. Is this your signature here?

(A document was shown to Mr. Ulsh.)

(Mr. Ulsh consulted with his counsel.)

MR. ULSH: Yes, it is.

REPRESENTATIVE RICHARDSON: Did you, in fact, fill out this report, sir?

(Mr. Ulsh consulted with his counsel.)

MR. ULSH: On advice of counsel, I refuse to answer this question on the ground that my answer may tend to incriminate me and I, therefore, invoke my rights under the Fifth and Fourteenth Amendments of the United States Constitution, and my rights against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

REPRESENTATIVE RICHARDSON: But you did indicate to me that this is your signature on this piece of paper?

MR. ULSH: Yes.

REPRESENTATIVE RICHARDSON: As a result of filling out this report, sir, and signing it, did you make any

recommendation to the superintendent or to the Attorney General's Office about how this gentleman, Mr. Snyder, received multiple abrasions of the neck and upper arms, abrasion on the right wrist, and gooney on forehead?

(Mr. Ulish consulted his counsel.)

MR. ULSH: On advice of counsel, I refuse to answer this question on the ground that my answer may tend to incriminate me and I, therefore, invoke my rights under the Fifth and Fourteenth Amendments of the United States Constitution, and my rights against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

REPRESENTATIVE RICHARDSON: Okay. One last question.

Would you explain to me the medical terminology of gooney?

(Mr. Ulish consulted with his counsel.)

MR. ULSH: On advice of counsel, I refuse to answer this question on the ground that my answer may tend to incriminate me and I, therefore, invoke my rights under the Fifth and Fourteenth Amendments of the United States Constitution, and my rights against self incrimination as contained

in the Constitution of the Commonwealth of Pennsylvania.

REPRESENTATIVE RICHARDSON: What do your duties include at the institution? That's not self-incriminating.

(Mr. Ulsh consulted with his counsel.)

MR. ULSH: My duties are included in a job description which can be obtained from the Personnel Office of the Correctional Institution at Camp Hill.

REPRESENTATIVE RICHARDSON: Do you know what those duties are, sir?

(Mr. Ulsh consulted with his counsel.)

MR. ULSH: I do know what my duties are. However, I wish not to recite them because I might not include all of the job description.

REPRESENTATIVE RICHARDSON: Mr. Kagan?

MR. KAGAN: Are your duties described in any administrative manual?

(Mr. Ulsh consulted with his counsel.)

MR. ULSH: In the job description.

MR. KAGAN: Could you, at your leisure, supply this Committee with your job description so that we might

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better understand your function?

(Mr. Ulsh consulted with his counsel.)

MR. ULSH: I would think a copy could be procured from the Personnel Office or the Office of Administration.

REPRESENTATIVE RICHARDSON: Counselor, I am requesting that your client -- respectfully now, because I don't want to go through any long drawn-out procedure subpoenaing this -- requesting that he bring his job description here tomorrow morning.

MR. KIRSCHNER: The response was intended to suggest respectfully to the Committee that the best source of that information is the Office of Administration. I did not anticipate that question from the Committee and I did not ascertain whether or not that job description is held or is within the records of this particular witness, but I do know the Office of Administration keeps a full and complete file on every job description within the Commonwealth of Pennsylvania. And that is the best source of the document.

Those documents are frequently dated, and it just seems to me that the Committee is interested in the most current job description for this classification. It can be

obtained from the Office of Administration. If you want us to make a search and see if we have a copy, I will be glad to do so.

REPRESENTATIVE RICHARDSON: Counselor, it just seems to me that if he works under his capacity as he said he did, he would know the most current and most recent indication of what his own job description is. He is the one who is working under that capacity. That is the only reason I asked for that.

MR. KIRSCHNER: I understand.

REPRESENTATIVE RICHARDSON: I care not to belabor the point any more. You are excused for now. You may be called at some other point.

We will move on to Representative Rhodes so he can finish his line of questioning of Mr. Goodwin.

MR. KIRSCHNER: Excuse me, Mr. Chairman, Is this witness excused?

REPRESENTATIVE RICHARDSON: He is excused to sit right back over there until I further need him.

MR. KIRSCHNER: Sir, the witness, of course, is not under subpoena.

REPRESENTATIVE RICHARDSON: We understand that.

MR. KIRSCHNER: I just want to make clear to the

Committee that the witness is here voluntarily.

REPRESENTATIVE RICHARDSON: I understand that --
at our request.

MR. KIRSCHNER: Yes, and he will stay at your
request but not because he is obliged to do so, but rather
because he voluntarily has elected to do so.

REPRESENTATIVE RICHARDSON: I understand that.

(Mr. Ulsh was excused at this point.)

REPRESENTATIVE RICHARDSON: Representative Rhodes.

BY REPRESENTATIVE RHODES:

Q Mr. Goodwin, excuse me, do you mind being called
Tony?

A No.

Q Tony, when was the last time you were in the hole?
I know you said it but we got off on this tangent.

A March.

Q You were in the hole at the BAU at Camp Hill in
March of this year?

A Right.

Q That's very interesting because I was told it
wasn't used any more.

Let's quickly go back to the night of the 15th.

Now, Myers lit the fire, right?

A Right.

Q Is Myers on your side of the ward?

A Right.

Q And Myers threw the fire and newspaper --

MS. CHOMSKY: Excuse me a minute. May I confer with my client?

REPRESENTATIVE RHODES: Yes.

(Mr. Goodwin consulted with his counsel.)

BY REPRESENTATIVE RHODES:

Q When Myers threw the flaming newspaper out onto the tier -- well, was it toilet paper or newspaper?

A Newspaper.

Q Was it one sheet or a whole newspaper?

A No, it was like one fold.

Q Was it on fire when it went out onto the tier?

A Yeah, it was lit outside of his cell and he threw it.

Q It couldn't have burned more than two minutes, could it?

A That's all it took.

Q So it was out?

A Well, see, when he threw it out it was burning, burning. And, like, when everybody came back, that's the way they seen it.

Q Saw what?

A The paper burning out.

Q Was it still burning? How long did it burn?

A Well, you see, water was being thrown. And, like, right around the time he was lighting the fire and people were throwing water -- see, there was more than one fire. Most of them was in the back.

Q There were other fires?

A Yeah.

Q How many fires?

A Well, I could hear them in the back making noise. And they were throwing water up at the lights and, like, lighting fires in the back. But by the time the ward returned it --

Q Well, how many fires do you thing were lit?

A Two or three.

Q And they were all this kind of one sheet of newspaper?

A I don't know what was in the back but that's the way it was in the front.

Q Could you estimate how many you would think were squirting or shooting or throwing water?

A It must have been around one up front, but I ain't sure about the back. I know I seen at least two squirting water on the fires in the back.

Q How do they squirt water?

A With a lotion bottle or a Baby Magic bottle.

Q You can't shoot it that far?

A No, just a little spray.

Q You won't kill anybody?

A No.

Q Up in the front where you were, you know one person who threw a fire out?

A Right.

Q And one person squirting water?

A Right.

Q Now, everybody who was taken by the guards from Mohawk was taken from the front?

A Right.

Q Now, the person who threw the fire out and the person who was squirting water, what side of the ward were they on, your side?

A On Tier 2.

Q Your side?

A The ones that were lighting the fire, but in the back --

Q I am not talking about the back. I am talking about the front, because everybody that was taken to Mohawk was taken from the front, right?

A Right.

Q Now, where were the person or persons who threw water, and the person or persons who threw out the flaming newspaper?

A Myers threw the paper out. He's on Tier 2, my side.

Q Your side?

A Yeah.

Q What about the person who was squirting water?

A I didn't see nobody squirt water. It was in the back.

Q You didn't actually see anybody squirt water?

A No.

Q How did you know they were squirting water?

A That's where the water was.

Q I beg your pardon?

A That's where everything was going on.

Q Down in the back?

A Right.

Q The water and the other fires?

A The guard was standing up front.

Q So nobody was acting up up front because the guard was standing up front?

A Right.

Q So most of whatever was being squirted was in the back?

A Right.

Q But for the fire and that you know of in the front, what part of the ward were they on?

A On Myers' side.

Q On Myers' -- your side?

A Right.

Q Is that correct?

A Right.

Q Now, everybody that was taken out of the cell block to Mohawk was on the other side of the ward?

A Right..

Q Is that right?

A Right.

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Q Why would they take people on the other side of the ward for something that happened on your side of the ward?

A They didn't see who done it, and I guess they wanted somebody.

Q Wasn't there a guard up front?

A Yeah.

Q Why didn't he see who did it?

A I don't know.

Q How do you know he didn't see it?

A Well, he didn't get the ones who did it.

Q All right. So, you are surmising that he didn't see who did it. Do you know for a fact that he didn't see who did it?

A I can't say.

Q You don't know what he saw? Have you talked to him about it?

A No.

Q So you don't know what he saw?

A No.

Q Was he in a position to see who lit the fire? Where was he standing?

A All the way up front.

Q Was he on the same level of the Tier or on the

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ground floor?

A Are you talking about the fire up front?

Q I am talking about the guard up front.. Where was the guard?

A He was on the floor.

Q On the floor?

A By the door, all the way up front by the desk.

Q So he was on the ground floor?

A Right.

Q Could he see up to the tier?

A When you stand in the middle of the block, you can see straight down the tier.

Q So he could see all the way down the tier?

A Right.

Q Do you think he saw the fire started?

A In the back?

Q No, in the front?

A He was nowhere around when the fire started in the front.

Q There was nobody there? They were all over at the concert?

A I am saying when the fire started up front, the guard wasn't there.

Q Where was he?

A He doesn't stay on the block. He just comes around to see if everybody is in his cell and leaves.

Q So he wasn't physically in the ward when the fire was started?

A The fire in front -- when the fire was up front, he wasn't in the ward.

Q Okay. And they got guys from the other side of the ward who were not near Myers who threw the fire out, right?

A Right.

Q You testified that Burgh said something to the effect, to one of the guards that, If you want a snitch, all of the snitchers are at the concert?

A Right.

Q Is it your feeling that they grabbed him because of him saying that?

A Well, I told him -- I said, "now, look, just be cool, man, because they are trying to get somebody."

Q You told Burgh that?

A Right.

Q Before or after they asked him about a snitch?

A After.

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Q Was that too late?

A I knew they were going to come and get somebody, right. And I was telling him to be cool.

Q Because of the fire?

A Because if they were going to come and get somebody, they would get somebody for the fire and the water.

Q Why do you think they got the other guys around Burgh? Did they say anything or talk back to the guards?

A I didn't hear them.

Q Did they do anything? Did you see them do anything?

A No.

Q Do you have any idea why they might have gotten those other guys?

A Well, they make out the list, and they come and get who they want to get.

Q Well, I understand that, but did you see the other guys near Burgh's cell do anything that might have justified their getting them?

A No.

Q Now, since you knew that Myers lit the fire on your side, even though maybe the guard didn't see it, did you have any fear that they might come and get you?

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A Well, I had a funny feeling that they were going to get me first, because usually every time something happens, I'm always the first one they come to because I've been there for a while, and they always get me. That's why I was telling Burgh they were going to come and get somebody. And I went back in my cell and put my clothes on. I figured they were going to come and get me first.

Q But he didn't catch up on that, so he didn't put his clothes on?

A No.

Q When they took the last person out, what did you think -- that was the last person?

A No.

Q You thought they were going to get some more?

A Yeah.

Q Which side of the ward did you think they were going to go to?

A Tier 4.

Q Is that your side or the other side?

A My side.

Q When did you figure out they weren't going to get anybody else?

A Because, see, when they come, they don't stand down

in front of your cell. They might maybe come down front and figure out who they are going to get. Then they walk real fast. By the time they get to the door, it's hit and they come right in. And, like, when they came back, like, the fifth time, all of them didn't come back. Two of them came back. And so when I seen the rest didn't come back and they said to get ready for showers, I knew that was it.

Q When they announced they were going to have showers, you knew they were finished with what they were going to do?

A Right.

Q Why were you on restriction that night?

A I was on two weeks for a fight.

Q With another inmate?

A Yeah.

Q Two weeks in your cell?

A Confinement in my cell.

Q But you weren't sent to Mohawk for any period of time for that, were you?

A Yeah. I stayed in there two days before I went to court.

Q In other words, you were in Mohawk for two days, went to court, and then went back to restriction in your cell

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for two weeks?

A Right.

Q Did you figure you lost in that court, too?

A Yeah. I knew I was going to lose when I first went in there.

Q But you might have gone back to Mohawk?

A Yeah. When I went in there I thought I was going to do a little time in Mohawk.

Q That's what I mean. So, in a sense, you did win one?

A Yeah.

Q Maybe, if you figure being on restriction is winning.

Have you noticed the guards being more edgy lately as the Camp Hill Project winds down?

A Explain that.

Q Have the guards been more edgy, more nervous?

A Yeah, I noticed tha

Q You noticed that?

A Yeah.

Q Why do you think they are more edgy and nervous?

A Well, I was in the kitchen. We were sitting at the table. This one guard in there -- Gavigand -- was sitting

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right behind me. Every time I would eat something, I would turn around and look at him. And he was gritting on me, looking all red. So I don't know how the conversation started off, but he said something. He said something about my brother, and I told him to shut his mouth. And he said, "Well, next time we get our hands on you ..." -- I didn't hear the last part. Some other inmate told me what he said, "Billy Jack told me what he said."

Q So you think he was going to maybe vamp on you?

A Yeah.

Q Have you ever seen an inmate throw feces or urine on a guard?

A No.

Q Have you ever heard of that?

A No.

Q I just want to say that if ever some day you commit a terrible crime in this state -- which I hope never happens, honest to God -- somebody is going to say they wonder how you got so mean, and we will know on this Committee.

Anyway, thank you.

REPRESENTATIVE RICHARDSON: Are there any other questions of Mr. Goodwin at this point?

(No response.)

BY REPRESENTATIVE RICHARDSON:

Q Mr. Goodwin, I have one final question.

In the period of time you have been at Camp Hill, how many times, if you can remember, have you been beaten by a guard?

A I just know for the eight times I have been down in the hole, but I don't know how many times three or four would come into my cell to get me and have a good time.

Q How many times have you hit a guard?

Ask your counsel.

(Mr. Goodwin consulted with his counsel.)

MR. GOODWIN: Well, when they came in after me, to get me, and I seen they weren't coming peacefully, I tried to defend myself.

REPRESENTATIVE RICHARDSON: Mr. Goodwin, I would like to thank you personally for coming before this Committee and sharing your experience and what happened. And I would like to thank your counsel for allowing you to come before the Committee to answer questions the Committee has put forth.

I would like to say to you, like I said to everybody else, if there are any repercussions, any personal injuries, any intimidation inflicted upon you as a result of

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your testifying here today, I hope you get in contact with me immediately. I would also hope that if there are any problems concerning anything that you have done here today as a result of that, that you would contact this Committee. You have your counsel's name and phone number, so I would hope you would contact her and let her know.

I just think it is very important that you understand the serious nature of this particular hearing, and that we in no way intended to play with it, nor play with anyone involved.

All right, you are excused at this particular time, but you will be called at a later time and date, possibly.

(Witness excused.)

REPRESENTATIVE RICHARDSON: At this time, I would like to call on Representative Hammock to make a statement, and then I am going to recess.

CHAIRMAN HAMMOCK: Mr. Chairman, I would like to have Mr. Gilman from the Attorney General's Office to take the microphone for a few minutes.

REPRESENTATIVE RICHARDSON: Mr. Gilman, would you please come forward?

Representative Hammock?

CHAIRMAN HAMMOCK: Mr. Gilman, I recently requested that the Attorney General make himself available to this Committee. I understand he is unavailable at the present moment, but perhaps you can convey to him the message.

Since the Attorney General is charged as the Chief Law Enforcement Officer of this state, with the responsibility of enforcing the laws and codes of this state, I am requesting as a member of this Task Force, in order to insure the safety of the young people involved, that several things take place. And, again, this is a request. It is a request that is now being transmitted in writing. We are sending a letter to the Attorney General to this effect.

Number one, I am requesting that all of these guards who have been mentioned over the last several days by witnesses here, be suspended until such time as the Attorney General's report is completed. I understand they are still working.

Number two, I am requesting that all of the young people who have testified who are still at the institution, who are from the City of Philadelphia, be removed to the Youth Development Center there in Philadelphia.

Did you follow my twofold request, Mr. Gilman?

MR. GILMAN: Yes, sir.

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CHAIRMAN HAMMOCK: We are getting constant complaints that some retaliation is going to be had at the Camp Hill Institution.

MR. GILMAN: Do you have these complaints to present to us?

CHAIRMAN HAMMOCK: Well, again, what I am requesting is that the Attorney General take that action.

REPRESENTATIVE RHODES: What about the kids from Pittsburgh?

CHAIRMAN HAMMOCK: And a letter is being forwarded to him.

Now, if Representative Rhodes joins in that request, as far as the young people of Pittsburgh are concerned, certainly we think that that ought to be done, but it seems we are running into some problems in relationship to those young people who have testified. So, I am asking that these men be suspended until such time as your reports are completed, and that the young people who have testified who are from the City of Philadelphia -- and Representative Rhodes concurs in terms of the City of Pittsburgh --

REPRESENTATIVE RHODES: And Dauphin County?

CHAIRMAN HAMMOCK: Well, I am saying Philadelphia. If we go any further, it is because other members have joined

in the request, but I am requesting that they be removed, the ones that are at Camp Hill who have testified, and I am not talking about cleaning the place out; I am talking about those who are involved in this matter.

Would you convey that request to the Attorney General?

MR. GILMAN: I will be glad to.

CHAIRMAN HAMMOCK: Thank you.

MR. KIRSCHNER: May I be heard by the Chairman?

REPRESENTATIVE RICHARDSON: I am getting ready to recess for ten minutes. Then you can be heard, if you don't mind.

MR. KIRSCHNER: No, not at all.

REPRESENTATIVE RICHARDSON: We will recess for ten minutes now.

(A recess was taken.)

REPRESENTATIVE RICHARDSON: Mr. Kirschner?

MR. KIRSCHNER: If the Committee and the Chairman would give me an opportunity to make a few remarks, I would appreciate it very much. They will not consume more than ten minutes, I assure you.

First of all, I ought to indicate the names of

the individuals I am representing in these hearings, up to this point.

The names of those individuals are as follows:

Officer Frederick Smith,

Officer Harold Himes,

Sergeant Robert Stotelmyer,

Mary Caroline Souders,

Warren E. Ulsh,

Officer Carl O'Ross,

Officer Delbert Foster,

Officer Ernest Green,

Lieutenant Charles Winters,

Sergeant John Benner,

Officer Maynard Strock, and

Officer James Garrell.

REPRESENTATIVE RICHARDSON: Mr. Kirschner, could I ask for a clarification on Officer Foster? Should that be Forker?

MR. KIRSCHNER: Just one moment, please.

(Discussion off the record.)

MR. KIRSCHNER: I am advised that it should be

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Officer Forker.

Secondly, I think that I had a responsibility to my clients and to this Committee to respond to the suggestion or the recommendation that was expressed by Representative Hammock just prior to the recess.

As I understand, the Representative's recommendation --

CHAIRMAN HAMMOCK: Request.

MR. KIRSCHNER: It was to be made through the Attorney General that the individual correctional officers who were named by witnesses today as having been involved in the alleged incidents be suspended, pending further investigation.

If that is done, I ought to indicate, Number One, that I have substantial question about the propriety of any such action. I have substantial reservation about whether or not the Attorney General can or, in fact, should respond to a request of that sort coming from the legislative side of the government.

The employes involved, the correctional officers, are the employes of the Executive Branch of this Government, not the Legislative Branch, and it would seem to me to be highly improper.

However, should he do so, I ought to indicate that a grievance would be filed under the provisions of the Collective Bargaining Agreement that exists between the Union and the Employer, and we would seek immediate reinstatement with full recovery of all lost pay.

It is my judgment that suspension of these officers, at least at this juncture, would constitute a clear violation of their constitutionally protected rights.

If, in fact, I ultimately conclude that they have been disciplined or suspended, and that this action is in violation of their civil rights, then we will have no recourse except to immediately file countersuit against Representative Hammock and the Legislature and this Subcommittee and the Commonwealth of Pennsylvania for such damages that the correctional officers would suffer by this abridgment of my clients' constitutional rights.

So, I merely suggest to the Committee and to Representative Hammock that he might want to reflect upon that kind of recommendation. I think it is full of severe legal problems and I feel, in fairness to the Committee, that I have a responsibility to share with the Committee at this juncture my own thinking in this regard.

REPRESENTATIVE RICHARDSON: I just want to ask one

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question. I notice from the names that you read that you are not representing Officer Yon, is that correct?

MR. KIRSCHNER: I don't believe that he was one of the individuals that I mentioned, sir. He does not appear on my list.

REPRESENTATIVE RICHARDSON: I am just asking.

MR. KIRSCHNER: I do not have him on the list of individuals I am representing.

REPRESENTATIVE RICHARDSON: I wanted to make that clear.

REPRESENTATIVE MILLER: Mr. Chairman?

REPRESENTATIVE RICHARDSON: Representative Miller.

REPRESENTATIVE MILLER: Mr. Chairman, I have just a brief comment.

The gentleman made reference to the fact that he may be giving consideration to filing a countersuit if it were concluded by him that Representative Hammock's recommendation for suspension is a disciplinary act being taken against these correctional officers, and as such, would be in violation of their constitutional rights.

Let the record reflect that it was the gentleman who testified himself who raised that specter that they were to be suspended for that reason and at no time did a member of

this Committee give any inference or direct comment in that case.

MR. KIRSCHNER: Thank you for bringing that to my attention. And that is why I issued the caveat that if the conclusion were reached that, in fact, the men had been disciplined by being suspended --

REPRESENTATIVE MILLER: My comment was directed to the fact that the gentleman raised that specter, not the Committee.

CHAIRMAN HAMMOCK: If I might say, in your individual capacity, I would be glad to see you in Court, my friend.

REPRESENTATIVE RICHARDSON: Mr. Hartman?

MR. HARTMAN: If I might interject and inform the counselor of the following:

First, this was merely a request made by Mr. Hammock. This Committee has no power to do any of those things, sir.

Number Two, if you will check the law, you will discover that members of the General Assembly are not answerable in any other place.

MR. KIRSCHNER: Well, I wonder if that situation is necessarily applicable if a member of the General Assembly

has been responsible for inducing a breach of contract. I don't think you and I can resolve that issue at this juncture if, in fact, a member of the General Assembly is attempting to induce a breach of contract between a branch of government and a collective bargaining agent.

MR. HARTMAN: With regard to the threat of counsel to bring a civil action --

MR. KIRSCHNER: I didn't intend it as a threat. I merely felt obliged to share my thinking. I felt it would be remiss of me if I didn't share with the Committee my thinking at this juncture.

MR. KAGAN: Counselor, I am sure that you have been supplied with a copy of Rule 51 of the House of Representatives. In that rule it states that counsel may pose legal objection to any or all questions which, in the opinion of counsel, may be a violation of the civil or constitutional rights of his client. And I would suggest, by leave of the Committee, that the Committee does not have to allow counsel to make such statements.

Should counsel decide to take any course of action he deems necessary, I think a more appropriate time to explore that would be in the proper forum rather than here before the Committee. We are here to investigate the incidents on

October 15th and October 20th, and we are trying to keep that investigation as narrowly focused as possible.

MR. KIRSCHNER: But Representative Hammock seemed to transcend the function of this Committee, and I felt obliged to respond to it.

REPRESENTATIVE RICHARDSON: Thank you very much, Counselor.

MR. KIRSCHNER: With your permission, Mr. Chairman, I would like to distribute to you a copy of a statement I would like the opportunity to read into the record.

MR. KAGAN: When your clients are called, at that time, you will be given leave to make that statement, but the Committee has other business which it would attend to first. When your clients are about to be called, you will be allowed to make your statement.

MR. KIRSCHNER: Very well. And I will supplement my statement with such comments as I deem appropriate.

REPRESENTATIVE RICHARDSON: Back to the order of business.

I would like to have now Mr. William Kane come forward.

WILLIAM KANE, called as a witness,

being first duly sworn according to
law, testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q Would you please state your name and your age
for the record?

A Bill Kane, fifteen.

Q Are you represented by counsel?

A Yes.

MS. CHOMSKY: Judith Chomsky.

BY REPRESENTATIVE RICHARDSON:

Q Mr. Kane, you are certainly aware of the fact
that we have been holding hearings now for two days. I would
like to ask you at this point whether or not you received a
subpoena to be here?

A Yes.

Q In any way at any time did anyone threaten or
intimidate you not to be here today?

A Well, not really.

Q When you say "not really," what do you mean?
Were you threatened?

A Well, like, where I work, my work manager -- like,
I had an upset stomach, and I didn't go to work. And he

called me down and asked me why I didn't go to work. Like, I told him I was sick, and he started to say that that was not the reason why. He said the reason why was because I had to go and testify today. And I told him it wasn't and he said, he was going to write me up for refusing to work.

Q Who said that?

A Mr. O'Neill.

Q What is his capacity, if you know, at the institution?

A He works down in the kitchen. He watches us and stuff like that.

Q Is he a guard?

A You couldn't really call him a guard.

Q He is an employe that works in the kitchen?

A Yes.

Q Repeat what he said to you.

A He called me down and asked me why I didn't go to work. I told him because I had an upset stomach. He said he didn't think that was why. He said it was because I had to go and testify today.

Q What time did they get you up to come here today?

A About eight o'clock.

Q Did you have breakfast?

A Yes.

Q Do you remember signing a waiver?

A Yes.

Q Did anyone at any time intimidate or threaten you not to sign it?

A No.

Q When you were asked to sign the waiver, were you by yourself or were you asked with a group of people?

A Well, I was there with two other guys.

Q Has anyone intimidated or threatened you or physically hurt you in any way at the institution, as a result of your being here at this hearing here today?

A No.

Q Do you understand the seriousness of this hearing?

A Yes.

Q Are you nervous?

A Yes.

Q That is quite readily understandable.

And you understand that the Press is here, that there are other guards here from the institution, and other persons of the public present at this hearing?

A Yes.

Q And recognizing all that, do you still want to

testify about incidents that occurred at the Camp Hill Institution?

A Yes.

Q With that in mind, Mr. Kane, I would ask that you proceed on now by directing yourself in testifying to this Committee on that which you know or have actually been involved with in incidents that occurred or or about October 15th.

A Well, we were coming back from the concert. When we came in, there was still a little bit of smoke in the ward. We were wondering what happened. Then we seen a burnt paper on the floor. Then, like, I sat by my chair by my gate. When I heard a door kicked, I looked out, and the guards were going into Burgh's room.

So I was standing there watching, and, like, they brought him out about a minute afterwards, and they were choking him and dragging him down the tier, and banging him up against the bars, and then he was out of sight.

So I sat back down in my cell. Then they hit somebody else's door, and I got back up and looked, and they were going into Joe Snyder's room. So I was standing there, and like, they were in there, and a couple of minutes later, they came back out. They were doing about the same thing to him as they did to Burgh -- taking him down the tier and

choking him and banging him against the bars.

Then they hit the boy's room right across from me. He was sitting in his chair by the door. And Sergeant Stotelmyer grabbed him by the hair and threw him on the bed. And Sergeant Benner jumped on his legs so he couldn't move his legs. Then the other two guards came in and handcuffed him and picked him up by his hands which were cuffed behind his back.

Q Is Sergeant Stotelmyere here in the room today?

A Yes.

Q Can you pick him out?

A He's sitting right there, the one with the plaid suit on.

Q Indicating the identification of Sergeant Stotelmyer, back row, second gentleman?

A Yes.

And he was struggling a little bit because of the way they were holding him. And on the way down the tier, he banged him against the bars.

Q Who banged him against the bars?

A Sergeant Benner.

Q Is Sergeant Benner here?

A He's sitting beside him, Sergeant Stotelmyer.

He's wearing a white tie, blue shirt and blue suit.

Q Go ahead, continue on.

A And then they were out of sight, down the steps.

Q Do you know who the other two guards were?

A Well, I seen them around before, but I don't really know them, and, like, their backs were to me most of the time.

Q Is Burgh a big person?

A No, no.

Q Do you think it required that number of guards to go in and get him out of his cell?

A No.

Q Did you see Burgh do anything?

A He was struggling when he came out of his cell.

Q When you say "struggling," explain that.

A Well, he was squirming around because of, like, the way they was holding him.

Q Was he handcuffed at the time?

A Yes.

Q So the only squirming around he could do was just moving his shoulders?

A That's about all.

Q How was he dressed?

A He didn't have no clothes on.

Q He didn't have any clothes on at all?

A None.

Q Is that something that is customary, that they don't allow an inmate to put his clothes on when they are removing him from his cell?

A Well, I seen it before one time, but that's all.

Q Has it ever happened to you?

A No.

Q How long have you been at Camp Hill?

A About eight months.

Q You heard talk about the BAU and Mohawk and the hole. Have you ever been over there?

A No.

Q So you don't know what it is like over there at all?

A Just what I heard.

Q How is the food at the institution?

A Well, it's not really that good.

Q When you don't like something, do you get a chance to get something else, foodwise? If you don't like the food, do you get a choice?

A Well, like, I work in the kitchen.

Q Oh, so you get a choice all the time?

A Right.

Q So that makes it easier for you?

A Right.

Q And you see how it is prepared?

A Well, most of the food is prepared over at
Kitchen 2.

Q And you work in the central kitchen?

A I work in Kitchen I.

Q Is that where all of the food is prepared?

A No, it is prepared in Kitchen 2.

Q Prepared in Kitchen 2 and sent to Kitchen I?

A Yes.

Q Are you on the same tier with Mr. Burgh and
Mr. Snyder?

A No, I'm on Tier 4.

Q Now, in relationship to you being on Tier 4, how
could you see Mr. Burgh's cell?

A Well, like Tier 4 and 3 are right across from
each other. I'm in 10 Cell and I'm pretty sure he's in 6 Cell.

Q Can you see in his cell?

A Only part of it.

Q You can only see him when they bring him out?

A Yeah.

9-86

Q Did you see the guards go in his cell?

A Well, two were already in there when I got up to look.

Q And you saw two more in there after that?

A Yeah.

Q A total of four altogether?

A Yeah.

Q Did you go to the concert that night?

A Yeah.

Q Do you know what time that was?

A No, not really. It was in the evening.

Q In the evening?

A Yeah.

Q When you got back, did you see any fires?

A It was already out when I got there.

Q Do you know of any history of beatings that go on at the institution?

A Well, I heard a lot of stories about people getting beat up, and I, like, seen Sergeant Stotelmyer choke a kid before.

Q Who did you see Sergeant Stotelmyer choke before?

A Greg Willery. He's down a couple of cells from me. He went into his room one day, and he didn't have no

clothes on. Sergeant Stotelmyer was choking him, and he had his handcuffs way up behind his back.

Q Did that happen this year?

A Yes.

Q Is this something that Sergeant Stotelmyer likes to do, choke people?

A I don't know if he likes it, but he seems to always be doing it.

Q Did he ever grab you by the neck?

A No.

Q You never gave him any reason?

A No.

Q Do you think any of those other gentlemen gave him cause to grab them by their necks?

A No.

REPRESENTATIVE RICHARDSON: Representative
Hammock?

CHAIRMAN HAMMOCK: I have no questions.

I would just like to have this young man available. I may have questions for him at a later date.

REPRESENTATIVE RICHARDSON: Representative
Lederer?

BY REPRESENTATIVE LEDERER:

9-88

Q How long have you been working in the kitchen?

A About four months.

Q Four months?

A Yeah.

Q Did you ever prepare food for Mohawk?

A Yeah, I was on the Mohawk cart.

Q Did you ever bring food to Mohawk?

A I take it to Mohawk and leave it.

Q Would you say the food that you take to Mohawk is as wholesome as that which is fed to the inmates in the wards?

A Well, like the food we send up there -- right -- like, we will send soup up and when it comes back down, half of the stuff that is on the cart is never touched.

Q Is it hot when you send it up there?

A Yes.

Q Did you ever feed the guards?

A Well, I used to work in the Officers' Dining Room, too.

Q Do they eat the same thing?

A Well, they have the same kind of food, but guys that run the kitchen try to get the best to put in the Officers' Dining Room.

Q What do you mean by that?

9-89

A Well, like, it looks better and is more healthier than the food that goes to the inmates.

Q Are you familiar with the word garnish?

A No.

Q It means to make it look neater and more edible, but if you are not familiar with the word, I won't pursue that.

Do you know "Chico?"

A Yeah.

Q Were you sitting near him at the rock concert?

A Not too far away.

Q But you were within sight of him probably during the whole concert?

A Yes.

Q Were you in sight of him going back to the cell block?

A Yeah.

Q Did you see him doing anything on his way back to the cell block?

A I didn't see him doing anything. But I talked to another inmate, and, like, he was mad. I asked him what he was mad about, and he said "Chico" hit him on the way back to the ward.

Q You mean cut him?

A No, hit him.

Q On the way back?

A Yeah.

Q Where is your cell in relationship to "Chico's?"

A Right across from him.

Q Did you observe him doing anything in his cell once you were back on the tier?

A Would you mind repeating that?

Q Yes. Let me try and rephrase it.

Did you observe him doing anything that may have been against the rules of the institution while he was in his cell?

A No.

Q The inmate that you said pushed him or hit him --

A He punched him.

Q He punched him?

A Yeah.

Q Where is his cell in relation to your cell?

A Well, he's two cells down from me. And, like, they're always arguing back and forth.

Q Bad blood?

A Yeah.

Q Was that particular fellow brought to Mohawk?

A No.

REPRESENTATIVE LEDEKER: That's all. Thank you.

REPRESENTATIVE RICHARDSON: Representative Miller.

REPRESENTATIVE MILLER: No questions. Thank you.

REPRESENTATIVE RICHARDSON: Representative Rhodes.

BY REPRESENTATIVE RHODES:

Q Just one question.

What part of Pennsylvania are you from?

A Sharon.

REPRESENTATIVE RHODES: That's all.

BY REPRESENTATIVE RICHARDSON:

Q Is there any other information you want to share with this Committee, Mr. Kane?

A Not that I can think of.

Q Are you soon to be released from Camp Hill?

A Well, like, when you get out of quarantine, like, they set a date when you should be out. Like, they set mine for fifteen months. They knocked four months off, so that dropped it down and I have eight in.

Q So you have three left?

A About that.

Q Do you know anything about the Camp Hill Project --

Excuse me. You may confer with your counsel, if you wish.

(Mr. Kane consulted with his counsel.)

MR. KANE: Like, I should get out in three months if I don't get into any trouble.

BY REPRESENTATIVE RICHARDSON:

Q Have you had any prior contact, you know, with say, Burgh, Snyder or "Chico," who ran into this particular problem there?

A I don't understand what you mean.

Q Have you noticed them getting into anything with any of the guards?

A No.

Q Prior to the incident of October 15th?

A No.

Q Would you say that the prisoners, basically, behave themselves? Would you say that, based on what you see?

A Well, pretty good.

Q Pretty good?

A Yeah.

Q Do you feel that on this particular October 15th that it would require the type of abuse that was taken in

relationship to what you saw to take Mr. Burgh down the way they did -- naked?

A Well, like, I don't think they should have. I don't know what he did, or if he did anything at all, but they should at least let him get some clothes on.

Q I feel the same way.

If there are no other questions, I would just like to thank you for coming before this Committee.

As Representative Hammock said, there may be a time when we may wish to recall you.

We would also like to thank Ms. Chomsky for her participation on behalf of the Juvenile Law Center in Philadelphia, requesting these young people to be present. I will need them here tomorrow after we recess this evening. I wanted to inform you of that so you would know.

On behalf of the Committee and myself, I just would like to say we appreciate your testimony. And I will say what I have said to everyone else who has come here to testify.

If, at any time, you have any report of any intimidation, any threat or any physical injury to your person, I would ask that you contact this Committee immediately and let us know, and that you would also contact your lawyer and

let her know. We will not tolerate such abuse at all. That is one of the reasons why the Committee is looking into this.

I again thank you, and I hope that you will be on call to be recalled at any time. Thank you very much.

(Witness excused.)

REPRESENTATIVE RICHARDSON: Mr. Kirschner, we are getting ready to call some of your people now, the people you represent.

MR. KIRSCHNER: Very well, Mr. Chairman.

REPRESENTATIVE RICHARDSON: Sergeant Benner. Counselor, what I am going to do is ask that he be sworn in.

(Discussion off the record.)

REPRESENTATIVE RICHARDSON: Counsel, would you approach the bench, please?

MR. KIRSCHNER: Yes, Mr. Chairman.

(Discussion off the record.)

REPRESENTATIVE RICHARDSON: All right, Sergeant Benner?

JOHN BENNER, called as a witness,
being first duly sworn according to law,
testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q Will you state your name for the record and your position, please?

A My name is John Benner, and I am a Sergeant at the State Correctional Institution at Camp Hill.

REPRESENTATIVE RICHARDSON: You are excused until further notice.

(Witness excused.)

REPRESENTATIVE RICHARDSON: Mr. Forker?

DELBERT S. FORKER, called as a witness,
being first duly sworn according to law,
testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q Will you state your name for the record and your position, please?

A Delbert S. Forker, Correctional Officer I.

REPRESENTATIVE RICHARDSON: Thank you very much.

You are excused for now, subject to being called later on.

(Witness excused.)

REPRESENTATIVE RICHARDSON: Mr. Strock.

MAYNARD STROCK, called as a witness,
being first duly sworn according to
law, testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q State your name and your position for the record.

A Maynard Strock. I am a Correctional Officer at
the State Correctional Institution at Camp Hill.

REPRESENTATIVE RICHARDSON: You are excused,
subject to recall later on.

(Witness excused.)

REPRESENTATIVE RICHARDSON: Lieutenant Winters.

CHARLES WINTERS, called as a witness,
being first duly sworn according to
law, testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q State your name and your position for the record,
please.

A Charles Winters, Lieutenant, State Correctional Institution at Camp Hill.

REPRESENTATIVE RICHARDSON: You are excused, subject to recall later on.

(Witness excused.)

REPRESENTATIVE RICHARDSON: Mr. Smith.

FREDERICK A. SMITH, JR., called as a witness, being first duly sworn according to law, testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q State your name and your position for the record, please?

A Frederick A. Smith, Jr., Correctional Officer I, Correctional Institution at Camp Hill.

REPRESENTATIVE RICHARDSON: You are excused, subject to recall later on.

(Witness excused.)

REPRESENTATIVE RICHARDSON: Mr. Green.

ERNEST GREEN, called as a witness,

being first duly sworn according to
law, testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q Will you state your name and position for the
record, please?

A My name is Ernest Green.

Q And your position?

A Correctional Officer I.

REPRESENTATIVE RICHARDSON: You are excused,
subject to call later on.

(Witness excused.)

REPRESENTATIVE RICHARDSON: Mr. Garrell.

JAMES W. GARRELL; called as a witness,
being first duly sworn according to law,
testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q State your name and your position for the record,
please.

A James W. Garrell, Correctional Officer I.

Q Camp Hill Institution?

A Yes, sir.

REPRESENTATIVE RICHARDSON: Thank you very much.
You are excused now, subject to recall later on.

(Witness excused.)

REPRESENTATIVE RICHARDSON: Officer Stewart?

(No response.)

REPRESENTATIVE RICHARDSON: Is Officer Stewart
one of your clients, Mr. Kirschner?

MR. KIRSCHNER: Yes, he is, sir.

MR. PATTON: Mr. Chairman, Mr. Stewart was not one
of the ones you requested to bring over.

REPRESENTATIVE RICHARDSON: I make that request
now.

MR. PATTON: Yes, sir.

REPRESENTATIVE RICHARDSON: Officer Himes?

HAROLD E. HIMES, called as a witness,
being first duly sworn, according to
law, testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q Would you state your name for the record, please?

A Harold E. Himes.

Q And your position?

A State Correctional Officer.

Q Where?

A State Correctional Institution, Camp Hill.

REPRESENTATIVE RICHARDSON: Sir, you are excused until further notice, and we might be recalling you.

(Witness excused.)

REPRESENTATIVE RICHARDSON: Are there any other officers that you represent that I did not call?

MR. KIRSCHNER: You asked me before about an Officer Yon. I am advised that he is one of the individuals we represent.

REPRESENTATIVE RICHARDSON: Officer Yon, would you please come forward?

MR. KIRSCHNER: He is not here.

REPRESENTATIVE RICHARDSON: We request that he be here tomorrow, sir. He was here earlier.

Officer O'Ross?

CARL E. O'ROSS, called as a witness,
being first duly sworn according to
law, testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q State your name and position, please, for the record.

A Carl E. O'Ross, Correctional Officer I, State Correctional Institution, Camp Hill.

REPRESENTATIVE RICHARDSON: Officer O'Ross, you are excused for now, subject to recall.

(Witness excused.)

REPRESENTATIVE RICHARDSON: Mr. Kirschner, does that take care of every one on your list of clients.

MR. KIRSCHNER: I have not been checking them off, sir, as you called them. However, I understand that an invitation to appear has been issued to Mary Caroline Souders, and we are representing her as well.

REPRESENTATIVE RICHARDSON: Mrs. Souders, would you please approach the witness stand?

MARY C. SOUDERS, called as a witness,
being first duly sworn according to law,
testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q Would you state your name and your position for

the record, please?

A My name is Mary Caroline Souders. I am a Nurse at the State Correctional Institution at Camp Hill.

REPRESENTATIVE RICHARDSON: You are excused now, ma'am, subject to being called later on

(Witness excused.)

REPRESENTATIVE RICHARDSON: Who else are you representing?

MR. KIRSCHNER: That embraces all of the individuals I am representing.

REPRESENTATIVE RICHARDSON: Mr. Kirschner, you requested an opportunity to make a statement.

CHAIRMAN HAMMOCK: Before Mr. Kirschner starts, Mr. Chairman, I would just like to ask a question.

REPRESENTATIVE RICHARDSON: Go ahead.

CHAIRMAN HAMMOCK: Are there any other Correctional Officers in the room, other than those who have been referred to?

I would like to have any other Correctional Officers stand.

REPRESENTATIVE MILLER: Mr. Chairman, could I inquire of the gentleman for the purpose of his request?

CHAIRMAN HAMMOCK: It seems there are other Correctional Officers who may be involved in this matter whose names may come before this Committee and who Mr. Kirschner may represent at some later point. I would like to know if they are, in fact, in the room and in what capacity they are presently here. If they are here as witnesses, that is one thing; if they are here in order to determine whether their names will be used, I think in this type of proceeding we might want to know that.

REPRESENTATIVE MILLER: Mr. Chairman, I would object to the gentleman's proposition as being improper at this time. We certainly never suggest that anyone is required to state his reasons for being here before this Subcommittee or any committee of the House of Representatives. And unless they are called upon to testify before this Subcommittee, I would suggest until such time, that they should go nameless, and that the Chair rule accordingly.

CHAIRMAN HAMMOCK: I will withdraw my request in the spirit of Mr. Miller's comments.

REPRESENTATIVE RICHARDSON: Thank you very much.

Mr. Kirschner?

MR. KIRSCHNER: With the Chairman's permission and with permission of the other members of the Committee, I would

like to read into the record a statement on behalf of my clients.

This Committee has a legal obligation to investigate the problems connected with the imprisonment and incarceration of youthful offenders. Its task is a difficult one, and the problems that must be considered are both numerous and complex.

The Committee has elected to investigate two incidents which allegedly occurred at Camp Hill on October 15, 1975 and October 20, 1975.

Unfortunately, however, the nature, scope and emphasis of this investigation does not appear to provide a forum to fully explore, consider and suggest the type of enlightening legislation which would eliminate or substantially reduce the highly explosive situation which exists in all correctional institutions through the Commonwealth of Pennsylvania.

For this reason, the Correctional Officers at Camp Hill have elected to decline to testify and invoke their constitutional right against self incrimination.

There has been no grant, nor can there be any grant, of immunity as in civil or criminal proceedings, and the privilege against self incrimination is, therefore, being

invoked by the Correctional Officers involved.

Overcrowding and an insufficient number of Correctional Officers and inadequate facilities create conditions and situations conducive to conflict between inmates resulting in assaults by inmates on each other and on the Correctional Officers that are invested with the responsibility of maintaining order.

It is, therefore, incumbent upon this Committee to recognize the realities of the overall situation. It must respond with substantially increased appropriations which will enable the Bureau of Corrections to alleviate the overcrowding and correct the understaffing and adverse conditions under which the Correctional Officers are employed. Only through such appropriations can the Bureau employ more Correctional Officers, erect improved facilities to provide for the separation of violence-prone inmates and protect the Correctional Officers as well as the inmates from assault.

Such positive action will insure the security of the general citizenry and promote the rehabilitation of the residents of the institution, so they may return to society and lead fruitful and productive lives.

Correctional Officers are employed under the most difficult conditions. Gross understaffing is extant at all

institutions throughout the Commonwealth. Correctional Officers are required to be ever alert from assault with attempt to kill by dozens, if not literally hundreds of inmates. Understaffing further enhances this possibility and compounds the problem.

The lack of sufficient numbers of maximum security facilities places the lives of Correctional Officers in grave jeopardy on a constant, ongoing and daily basis. Those Correctional Officers who have recently given their lives in the line of duty serve as a glowing tribute to their courage and dedication.

The job of a Correctional Officer requires a total commitment. A willingness to sacrifice one's life in the line of duty is the price of employment which no one, other than Correctional Officers or Peace Officers are required to pay.

It is, therefore, incumbent upon this Committee to address itself to the broad spectrum of the problems created by lack of sufficient funds to provide for more staffing, new facilities and the elimination of overcrowding. Unless these cancers are excised, inmate provoked incidents will continue to abound.

In closing, on behalf of my clients, I want to

state to the Committee that, at the appropriate time and in the appropriate forum, if it becomes necessary, there will be a complete and total refutation of the charges that were lodged here today by various residents and inmates that were called to testify.

Thank you.

REPRESENTATIVE RICHARDSON: Thank you for your comments.

O would like to let counsel know that you are addressing the Task Force of the Subcommittee to Investigate Corrections and Rehabilitation.

I would also like to let you know that we are under House Resolution 47, and we are outraged and upset by the alleged beatings of inmates. I would respectfully like you to know that we do not care to get into any debate with you on any political issues or care to go into that with you or with AFSCME. Our purpose is to investigate, which we will do. As a result of that, sir, it so happens that the incidents which have occurred at Camp Hill are certainly under our investigation, and we certainly intend to carry out the mandate of this Task Force.

MR. KIRSCHNER: I appreciate your remarks, Mr. Chairman. Let me say -- and I say this respectfully --

I think this Committee would be well advised to consider the underlying causes that precipitate the manifestation of those problems.

REPRESENTATIVE RICHARDSON: Well, your recommendation to this Committee has certainly been heard loudly and clearly. It is one of the reasons for our investigation, and we will move on that.

Thank you very much for your remarks.

CHAIRMAN HAMMOCK: Mr. Chairman, I would like to have a word or two.

REPRESENTATIVE RICHARDSON: Go ahead, Representative Hammock.

CHAIRMAN HAMMOCK: Mr. Kirschner, Mr. Richardson was exceptionally cordial and polite to you in terms of his remarks. This is probably one of the most incompetent statements that I have ever read from counsel here representing some Correctional Officers about some specific facts.

You allege here in this statement, Counselor, that it is the responsibility of the Legislature to appropriate more funds and, therefore, we won't have situations like we have been hearing about for the last few days.

Now, I would like to ask you, sir, how much money did the Legislature appropriate last year to the Bureau of

Corrections?

MR. KIRSCHNER: I would like to respond to that and say --

CHAIRMAN HAMMOCK: Answer the question, sir. How much money did the Legislature appropriate to the Bureau of Corrections last year?

MR. KIRSCHNER: Sir, I would like to say that one of the beauties of a democracy is that reasonable men may differ. And I assume you are reasonable -- however, I will take strenuous and rigorous exception to your comments and ill-considered remarks. And I would say --

CHAIRMAN HAMMOCK: Ill-considered they may be, in your opinion, but again, I ask you the question -- how much did the Legislature appropriate last year?

MR. KIRSCHNER: I assume you are according to me the right to respond in kind. If I am mistaken, please advise me now.

CHAIRMAN HAMMOCK: You are mistaken. But I will repeat my question once again -- how much did the Legislature appropriate to the Bureau of Corrections last year?

MR. KIRSCHNER: I suspect that you know that better than I.

CHAIRMAN HAMMOCK: How do you come here alleging

that it is the responsibility of the Legislature to appropriate more money? You talk about understaffing and overcrowding, and the Legislature needing to appropriate more money to alleviate those problems.

We all know those problems exist and we could sit and listen to you relating them for three hours, but I would like for you to answer the question and not evade it.

MR. KIRSCHNER: If the purpose of this debate and free exchange is the development of enlightened legislation, then I think you ought to accord to me the opportunity to respond.

CHAIRMAN HAMMOCK: I am waiting for you to respond.

MR. KIRSCHNER: I have been very close to the situation with regard to the Correctional Officers and the Bureau of Corrections with regard to the problems concerned.

It is very clear to me that the root causes for many of these problems is insufficient and inadequate appropriations. As a result of that, we find antiquated facilities. We find inadequate facilities. We find the inability to separate violence-prone individuals from the rest of the inmates and residents of the institution.

We find gross understaffing. We find overworked Correctional Officers and over-abused Correctional Officers.

What is the remedy? There are many remedies. I am not suggesting that appropriations is the total answer for the whole panoply of problems that are extant in the correctional institutions across the Commonwealth. I am suggesting, sir, however, that if you are serious about your investigation, if you are actually concerned with the welfare of the inmates, if you are actually concerned with the citizenry of the Commonwealth, if you are genuinely concerned with returning the members of these institutions back into society, then the starting point is providing increased appropriations so we can give them the kind of facilities --

CHAIRMAN HAMMOCK: How much did we appropriate last year? I am tired of listening to your self-serving declarations. Do you know how much was appropriated last year?

MR. KIRSCHNER: If you know, you --

CHAIRMAN HAMMOCK: And how much did we give the year before?

MR. KIRSCHNER: I can tell you that it was an insufficient amount. As far as --

CHAIRMAN HAMMOCK: And furthermore, I --

MR. KIRSCHNER: Sir, I assume I still have the right of free exchange.

CHAIRMAN HAMMOCK: Indeed, you do, sir. As a matter of fact, I am glad you are on the stand.

MR. KIRSCHNER: I am not on the stand.

CHAIRMAN HAMMOCK: You are at the witness table.

MR. KIRSCHNER: I am not on the stand.

REPRESENTATIVE RICHARDSON: I want to see this continue, but I would hope that everyone would listen to questions proposed and respond.

MR. KIRSCHNER: I assume it is a matter of record what the appropriations were.

CHAIRMAN HAMMOCK: Sir, you come here and read us a self-serving statement. I would like to make you aware of the fact that we have been investigating for many, many months, not just listening for the last few days, to situations dealing with Correctional Officers and correctional facilities around the state.

Now, I can assure you, as you must well know, that we have many more facts concerning the situation than you have about them.

Now, for you to come in and tell us that the reason, number one, that these men are taking the Fifth Amendment is because this forum is not not providing you with an opportunity to express what you think enlightened

legislation ought to be, I say that is an incompetent way to have your people take the Fifth Amendment.

Now that is debatable and reasonable men can differ --

MR. KIRSCHNER: I think I am better able to characterize my own function and role to my clients than you.

CHAIRMAN HAMMOCK: You will have that opportunity and obligation. I certainly have the opportunity to disagree with you.

MR. KIRSCHNER: And I will fulfill that right and obligation.

CHAIRMAN HAMMOCK: I understand that, and that is what I intend to do as far as we are concerned also.

Now, my second statement is -- What did the over-staffing have to do with four guards going into a cell and taking one juvenile inmate out in the brutal manner that has been testified to? What did overstaffing have to do with that?

MR. KIRSCHNER: First of all, the word is "under-staffing," not "overstaffing."

Secondly, you have --

CHAIRMAN HAMMOCK: No, I called it overstaffing for a particular reason.

MR. KIRSCHNER: The fact of the matter remains,

that no productive purpose can be served in this forum for my clients to take the stand and refute the charges and allegations made. The information supplied to me leaves no doubt in my mind to the fact that those charges are totally without foundation and basis --

CHAIRMAN HAMMOCK: Then why don't you have your men testify to that fact?

MR. KIRSCHNER: This is not a court of law. This is not the appropriate forum.

REPRESENTATIVE MILLER: Point of Order, sir.

REPRESENTATIVE RICHARDSON: Representative Miller, state your Point of Order.

REPRESENTATIVE MILLER: It is my understanding, Mr. Chairman, that in the traditional sense, the witness is to be recognized for a statement or in response to a specific question.

Under that condition in kind, the Legislators posture a question. Hopefully, a reasonable discourse will follow. I would request that the Chair act in this discourse as somewhat of a traffic director, if you will, and make certain that one question is answered, and caution the witness not to continue pursuing the line he is pursuing with the particular Committee member who is offering the initial

question.

Thank you, Mr. Chairman.

REPRESENTATIVE RICHARDSON: I would ask, again, Mr. Kirschner, that you please wait until the question is asked before you answer, sir, and not cut across in terms of --

MR. KIRSCHNER: If I did that, sir, I apologize.

REPRESENTATIVE RICHARDSON: You are cutting across again, sir. We are trying to take care of a very serious investigation, and I in no way want this investigation hampered. If there are some questions that must be answered, while I am sitting as Chairman of this Committee, you will be allowed ample and sufficient time to respond. You will have the right to speak without interruptions.

MR. KIRSCHNER: I certainly apologize if I interrupted you, sir, or any other member of the Committee. However, I would respectfully request that I, too, will not be interrupted.

CHAIRMAN HAMMOCK: Mr. Chairman, it isn't very often that this Legislature -- I have been sitting on all kinds of committee hearings for a number of years now, but I am very highly disturbed at the entire situation.

We are dealing with something here that approximates the grossest kind of brutality. At least, it seems to

me, to approximate some of the grossest negligence. And I have asked Mr. Kirschner, since it is his statement that seems to shift the burden to the Legislature to appropriate money to relieve the overcrowded conditions, how much money in his opinion, have we been appropriating and what, in fact, that has to do with the specific allegations at hand.

MR. KIRSCHNER: May I respond, sir?

REPRESENTATIVE RICHARDSON: Yes.

MR. KIRSCHNER: I think, once again, that the Representative has taken an unduly narrow or unnecessarily narrow view of the problem.

Incidents of inmate provoked violence abound at correctional institutions throughout the Commonwealth. They will continue to abound as long as there are insufficient and inadequate funds available to permit the Commonwealth to provide adequate facilities and adequate staffing.

There is no fact, no real reason, for my clients to come forward at this juncture and to deny and refute the baseless and groundless charges that have been made here today. No productive value can be perceived in such a course of action.

If, in fact, this Committee is concerned with soliciting evidence and information of a constructive nature with regard to the manner in which the penal system throughout

the Commonwealth can be improved, I have no doubt whatever that my clients will exhibit a spirit of cooperation. But to come before you, having been denied the right of cross examination of those who leveled the charges in an attempt to litigate the credibility question of whether any fault existed on the days in question on the part of the Correctional Officers seems to me to serve no fruitful purpose.

This is not a court of law. This Investigating Committee has no authority to impose criminal or civil penalties. And, therefore, to engage in a controversy that will require a rendition of the credibility of testifying individuals, whether inmates or Correctional Officers, really serves no purpose.

I think this Committee is basically -- at least I would hope that this Committee is basically concerned with eliciting information which will enable it to enact enlightening legislation. I do not perceive of this kind of testimony, the kind that has been adduced here today, as fulfilling that purpose.

Now, you may be at variance with my perception of this testimony, however, in regard to the role my clients must play in these proceedings, we have elected not to refute the testimony, because we do not consider this the appropriate

forum nor the appropriate time to do that.

REPRESENTATIVE RICHARDSON: That is certainly your prerogative, sir.

If you have read House Resolution 47 and Rule 51, you would know that we are able to call anyone we want to to appear before this Committee and subpoena anyone to produce such books, papers, records, accounts, reports and documents that we feel are necessary in order to complete our investigation.

And I would also inform you, Mr. Kirschner, that you must realize that you are talking about the Legislative Branch of Government, which is co-equal with the Executive Branch, and we have the right to investigate such matters that fall within the purview of our Committee, and we are investigating those matters.

Now, I have not heard any legal reason why, if the Correctional Officers can speak to the Press, why they cannot come before this Committee, which is a bound Committee of the House of Representatives, which is authorized by the Speaker of the House to run such an investigation, why you object to them doing that. But if you choose to do so, certainly that is your right.

We are saying, fine, we will continue to investigate

And I feel this is the correct procedure and manner in which to proceed, and that is why we have asked at this present time that the inmates do testify, and also that the Correctional Officers testify. They have, under your advice, chosen not to do that, and we have not been able to have fair-sided testimony of what is happening at Camp Hill Correctional Institution.

It is a situation where we are really trying to get to the bottom of this matter, and a situation where we will do everything in our power to get both sides. If not, we will have to take other courses of action. And I would hope that you would keep in mind, as you address this Committee, that we are going to proceed, and we are not going to be intimidated or threatened by any remarks being made. We are going to continue to operate as a Committee of the Whole in the House of Representatives of the Commonwealth of Pennsylvania.

MR. KIRSCHNER: Mr. Chairman, just as I respect your right to fulfill your mission under House Resolution 47, I was pleased to hear your comments that you respect my clients' rights to invoke their constitutional rights against self incrimination under the United States Constitution.

And I would hope further that the Chairman and the rest of the members of the Committee would recognize this

fact, that they are exercising a constitutional right and for that reason should not be subject to criticism.

REPRESENTATIVE RICHARDSON: We certainly recognize their constitutional rights. At the same time, I would like to point out that the young people at the institution have those same constitutional rights. And the exercise of those rights is, hopefully, in the spirit of justice.

MR. KIRSCHNER: Indeed, it is in the same spirit of justice that I would reiterate that any criticism of someone who has exercised a constitutional right is really the antithesis of the foundation upon which this great democracy is based.

CHAIRMAN HAMMOCK: Mr. Chairman, may I proceed with Mr. Kirschner?

REPRESENTATIVE RICHARDSON: Yes.

CHAIRMAN HAMMOCK: Mr. Kirschner, you are here to exercise your prerogatives of counsel and you can relax. You are going to get an opportunity to do that for a while.

I asked you a question and I still haven't had an answer to it. You allege in your opening statement that the reason your people are taking the Fifth Amendment is because this is an inappropriate forum.

You also allege that what the Legislature needs to do is to appropriate more money. And I am asking you if

you know how much the Legislature appropriated last year for the Bureau of Corrections.

MR. KIRSCHNER: I thought I answered that.

REPRESENTATIVE RICHARDSON: Excuse me. I am just doing this for the sake of decorum. I would hope that Representative Hammock could receive an answer to his question so that we would be able to get this over with.

CHAIRMAN HAMMOCK: If you know, sir.

MR. KIRSCHNER: I thought that had been answered, sir.

CHAIRMAN HAMMOCK: If it has been answered, then you should have no objection to restating your answer.

MR. KIRSCHNER: In dollar figures, I do not know. In terms of the bottom line with regard to the result, I feel it has been totally inadequate.

CHAIRMAN HAMMOCK: Well, I know in terms of the results we are looking for, that is, to alleviate some of the conditions in the institutions with specific regard to Camp Hill. But in your opinion, sir, if what we have heard is true, does it take four officers to go into a cell -- no matter how much money this Legislature appropriates -- to remove one youthful offender?

MR. KIRSCHNER: That is a supposition to which I

cannot, frankly, subscribe. My experience with Correctional Officers -- and it has been extensive -- is that Correctional Officers have a total dedication to their jobs. Their lives are constantly in jeopardy, more so than that of a policeman or a fireman who may walk a beat or direct traffic.

Correctional Officers are daily, and on an ongoing basis, in very close contact with hundreds of inmates, any one of whom is capable of criminal assault or murder. To disregard the realities of that situation is to take a very myopic viewpoint of the correctional situation as it exists throughout the Commonwealth.

It is for that reason that I suggested to you before that additional funding will enable the Bureau of Corrections to provide additional facilities. It will enable the Bureau of Corrections to segregate violence-prone individuals. It will enable the Bureau of Corrections to substantially increase the understaffing that exists throughout the Commonwealth.

CHAIRMAN HAMMOCK: Mr. Kirschner, may I once again repeat my question? The question was, if what we have been hearing is true -- and that is a supposition -- does it take four people to do what has been testified to today?

MR. KIRSCHNER: In my opinion, sir, illegal conduct

can never be countenanced.

CHAIRMAN HAMMOND: Thank you.

Now, I want to say that I am in agreement with you in some respects, as far as the adequacy of the penal system in the Commonwealth to do the job we would want it to do. But the fact remains, notwithstanding, that the Legislature has increased appropriations over the past three years to the Bureau of Corrections, that we have situations like the Camp Hill situation; that we have situations where young people are brutalized, or at least it would appear since there has been no refutation on record that they have been brutalized.

Now, my question to you, sir, is, notwithstanding the fact that the Legislature has increased the appropriations we have still come up with the Camp Hill occurrence. Are you still saying that because the Legislature needs to give more money, that we, in fact, can stop these problems if we do give more money?

MR. KIRSCHNER: Do I have the right of free exchange?

CHAIRMAN HAMMOCK: Absolutely.

MR. KIRSCHNER: I think you misperceive my point, sir.

CHAIRMAN HAMMOCK: Well, if that is so, please enlighten me.

MR. KIRSCHNER: I believe that the function of this Committee, sir, is not to determine whether or not there may have been excessive force used with regard to a particular incident, and that is what I meant before when I said that this Committee has taken an unduly narrow view of the problem and concerned itself with the manifestation of the problem, rather than the underlying causes. There are going to continue to be incidents at all of the correctional institutions throughout the Commonwealth of Pennsylvania until such time as the Legislature is prepared to enact enlightened legislation.

Unfortunately, that calls for money. I know of no other alternative. But the money will result in improved facilities and increased staffing, to which I previously referred. I cannot, nor will I ever, countenance unlawful conduct. I am not prepared to say at this time, without being accorded the right to substantiate or refute these individuals' testimony on cross examination, that there has been any indication of unlawful conduct at Camp Hill.

I think I could have cast these proceedings in an entirely different light had I been given the opportunity to cross examine. However, I am not requesting that right,

because I don't think that it is the function or mission of this Committee to determine whether or not the particular incidents did or did not occur on October 15th and October 20th of this year.

The mission of this Committee is to get to the underlying causes, not to the manifestations of the problems. Unfortunately, in my judgment, we have been too involved in looking at the surface aspects of the problem. We have yet to see beyond the tip of the iceberg.

CHAIRMAN HAMMOCK: We are here investigating specific matters, specific allegations growing out of several specific incidents. Are you saying this Committee does not have that prerogative?

MR. KIRSCHNER: I think this Committee has placed its emphasis in the wrong place, but that is a judgment question. I may disagree with your judgment.

CHAIRMAN HAMMOCK: In terms of our function as a Committee?

MR. KIRSCHNER: I think the Committee has spent a great deal of time in concerning itself with what happened on the 15th and 20th of October, without concerning yourselves with the underlying causes, even assuming that the incidents did, in fact, occur, which is a supposition that I am not

prepared to make.

CHAIRMAN HAMMOCK: Assuming that the incidents did occur, do you feel the Committee is spending too much time ascertaining the facts about those incidents?

MR. KIRSCHNER: Entirely too much, because you really have not gotten to the nub of the problem. You are not really concerning yourselves with the essence of the problems, the fundamental difficulties.

CHAIRMAN HAMMOCK: Well, I certainly agree that there are indeed greater problems to be addressed; that there are indeed underlying causes to be addressed. And one of those underlying causes is, Mr. Kirschner, and perhaps you might reflect on this, whether or not the Bureau of Corrections has authorized or promulgated any regulations to their Correctional Officers in regard to the amount of force necessary in moving youthful offenders from their cells to the Behavioral Adjustment Unit.

MR. KIRSCHNER: Do I have the right to respond?

CHAIRMAN HAMMOCK: Before you do that, let me propound a question. It would provide us with some clarity if we all understand where we are.

What I am asking you is, since we are dealing with underlying causes, now, is it conceivable, in your opinion,

that perhaps the Bureau of Corrections has not told Correctional Officers what to do and how to do it?

MR. KIRSCHNER: I am not prepared to answer for the Bureau of Corrections. It would be extremely presumptuous on my part to state a personal opinion as to the manner in which they ought to fulfill their mission. That is the responsibility of the Attorney General, Superintendent Patton and Mr. Marks and the other individuals who are responsible for that organization.

CHAIRMAN HAMMOCK: Yes, please go on.

MR. KIRSCHNER: That is responsive.

CHAIRMAN HAMMOCK: You think that is sufficient?

MR. KIRSCHNER: I think it is helpful in any administrative situation, whether talking about the Bureau of Corrections of the Department of Environmental Resources or the Department of Transportation or the Pennsylvania Turnpike Commission, or any of a whole host of agencies and departments, that there be promulgated rules and regulations directing conduct --

CHAIRMAN HAMMOCK: Let me ask you this: You have had extensive experience involving Correctional Officers. In your experience has the Bureau of Corrections, the Department of Justice, or any other agency of this Commonwealth

promulgated rules in terms of removal of inmates, youthful offenders to behavioral adjustments units, if you know?

MR. KIRSCHNER: I think the Bureau has a very extensive and complete manual, and I think that manual is the best response to that question. I just don't know.

CHAIRMAN HAMMOCK: You just don't know?

MR. KIRSCHNER: Neither is it within the purview of my responsibility to know, but representatives from the Bureau of Corrections can respond to that. I do know there are recalcitrant prisoners or inmates. But as far as moving them from one area to another, I do not feel I can respond to that. That would be reflected, however, in an examination of the manual.

CHAIRMAN HAMMOCK: Do you think it would be helpful if we knew whether these inmates were recalcitrant?

MR. KIRSCHNER: I think it would be helpful for this Committee to know what the underlying causes of any situation are. I think it is not terribly helpful, in my opinion, for this Committee to determine whether they are recalcitrant or whether they are or were not culpable. This is not a court of law. No one has been indicted. No one is being sued. This is an investigatory body prescribed under House Resolution 47. I do not see this Committee's function

as being one which would enable it to get off on a tangent as far as the events of October 15th and October 20th are concerned.

CHAIRMAN HAMMOCK: I think this colloquy has been helpful. I think when we have an opportunity to read the record, we will be able to see exactly where we are in terms of our positions with regard to your clients taking the Fifth Amendment. And I think that perhaps, should we -- and it is likely that we may end up in a court of law, and perhaps the highest court in the state -- and your clients will certainly be afforded all the rights and privileges guaranteed by the Constitution.

MR. KIRSCHNER: I would assume they would, sir. And I certainly stand behind the comments I made. I also certainly appreciate being given the opportunity of free exchange. I suppose one of the things that troubles me, however, is what appears as a hint or a suggestion of criticism directed toward the Correctional Officers because they invoked a constitutional right. I am sure that hint or suggestion or criticism may be part of other issues. But I am sure that we all stand as one with regard to the right of any individual to avail himself of constitutional protection.

CHAIRMAN HAMMOCK: Well, there was never a problem

with that. But I wanted you to elucidate why you so instructed your clients.

MR. KIRSCHNER: And I appreciate the opportunity to do so.

REPRESENTATIVE RICHARDSON: I would like to call on Representative Miller.

REPRESENTATIVE MILLER: Just to reiterate a point I made a few minutes earlier about any Committee inference, in the form of your words, "criticism" to these gentlemen invoking their constitutional privileges. Again I reiterate in the discourse I heard none on behalf of any member of this Committee, and, again, it has been the gentleman's, Mr. Kirschner's, suggestion that has repeated it. If I am incorrect on that, I am certain that the gentleman would be pleased to respond in kind. Indeed, I do not want it unjustly inferred in the record.

Thank you, sir.

MR. KIRSCHNER: I think that what troubles me is the concern expressed by one or more members of the Committee with regard to the reason or the rationale taken into account by my clients in exercising their rights against self incrimination. It seems to me -- and I thought it was rather conclusively established -- that there are no inferences supposed

to be drawn by the exercise of one constitutional right. And it seems to me that one or more members of the Committee has, and I draw an inference from that. And if that inference is in error, you have corrected me, and I will stand corrected.

REPRESENTATIVE MILLER: Then, indeed, sir, you are saying it is only your impression, because members of the Committee have requested only why they have elected to invoke their constitutional rights. They have never questioned or criticised their right to invoke those constitutional prerogatives.

Is that not correct?

MR. KIRSCHNER: Well, I don't want to get into a discussion of semantics.

REPRESENTATIVE MILLER: We have not directly criticised or inferred criticism of their right to invoke their constitutional privileges. My only purpose for again bringing up this point is that I have listened very intently, and I have not heard any direct criticism of the right of the gentlemen to invoke those privileges, nor have I heard any member of the Committee.

MR. KIRSCHNER: I think that statement is correct.

MR. MILLER: I apologize for getting off on that issue.

In your presentation you have alluded to a larger problem. And every member of this Committee will concede there is a larger problem.

Let me ask you this, sir, do you represent these gentlemen as counsel on behalf of Local 13?

MR. KIRSCHNER: That is basically correct. These gentlemen are all members of the unit which comes under the aegis or umbrella of Council 13.

REPRESENTATIVE MILLER: In this area of responsibility that we certainly share as members of this Committee and the General Assembly to look into the larger problems of corrections and rehabilitation, is there a shared responsibility, in your estimation, that members of that Collective Bargaining Agreement who are working day to day share as a unit?

Do you think there is a shared responsibility there as well?

MR. KIRSCHNER: I think in any employe-employer relationship, there is a shared responsibility to fulfill the mission of the employer institution involved.

REPRESENTATIVE MILLER: I am now asking --

MR. KIRSCHNER: Excuse me. Was that responsive to the question you asked?

REPRESENTATIVE MILLER: Yes. And I thank the gentleman.

Are you aware, sir, of noncollective bargaining agreement suggestions in behalf of this particular local unit for elements such as peer reviews, so that individual officers have a chance to scrutinize peer review principles similar to that which physicians and dentists employ in their professions?

MR. KIRSCHNER: I am familiar with the concept, sir, because I do a substantial amount of work representing faculty members in higher education. I think I understand your question. And I can respond by saying that, to the best of my knowledge, that has not been promulgated. However, I am not privy to the fact that conceivably that kind of concept or notion has not begun to evolve. I do know that the State Fraternal Order of Police has under active consideration that kind of concept.

REPRESENTATIVE MILLER: What I am getting to is, while certainly the Committee has a larger responsibility, and indeed the Committee has some very significant active legislation as the result of three years of study last session and the first year of this session, while that is being done on behalf of the Committee, would it be your feeling that

shared responsibility would be extended to your organization? Is that not, in fact, happening? The reason I asked that question -- and I will be quiet after this -- I know what this government should do and the General Assembly should do, but that is not where the responsibility ends.

And I am somewhat taken aback, sir. I realize your responsibilities as their counsel, but to suggest that the General Assembly is entirely remiss, and to suggest that we should begin to weaken our interest in these specific instances is not entirely true either.

Let me just summarize by offering this suggestion. And I will certainly accept whatever comment you have to offer. You know that statement is good posturing but it is not problem solving. We have to get to the bottom line. This Committee has to find out the circumstances of these alleged incidents. And you know we are limited in our legal powers to do that. I ask that you share our concern in the better interest of the future of this whole system, that you said needs improving. I think we share this responsibility.

Thank you for listening to that brief statement.

MR. KIRSCHNER: I appreciate your comments. I will receive them and communicate them in harmony and accord and rapport. And I do appreciate that, too.

Parenthetically, let me say that among all of the units that AFSCME represents -- and it represents some 70,000-plus employes -- I think that we probably have more difficult problems with the Correctional Officer Unit, not because of the individuals involved, but because of the complexity of the problems inherent in the situation.

And I think we probably devote more time and more effort, both collectively with management and unilaterally within and among ourselves in attempting to resolve those problems. And certainly some of the suggestions you proffered are some of the suggestions we ought to take into account and evolve as some sort of viable means of correcting a very complex and difficult situation.

REPRESENTATIVE MILLER: I thank the gentleman.

Thank you, Mr. Chairman.

CHAIRMAN HAMMOCK: Let me just make one brief observation in the spirit of the colloquy that took place between Representative Miller and Mr. Kirschner.

It could not have been clearer. Let me say to you honestly, this Committee, the men who have been operating in this room over the past several days, have been at every state institution over the last year and a half, involved itself in numerous underlying causes to the overriding

problems, has involved itself in specific incidents over and over again. And in the spirit of our prerogatives as Legislators, we have attempted over and over again to deal with the Administrative Branch of Government, to deal with the Correctional Officers as individuals, and as an organized union in attempting to resolve specific incidents and underlying problems.

It has come time now, because the spirit of cooperation has not been met mutually in good faith, because there has been oftentimes what we would characterize as dilatory tactics. It comes time now to deal with specific instances, to specific problems in the most direct way this Committee can do directly.

And, as some of us perceive -- for example, myself -- we will do indirectly what we cannot do directly sometimes. And I think in terms of developing that spirit of cooperation between the Legislative Branch of Government, the Executive Branch of Government, the Organized Union representing the Correctional Officers, that sometimes that spirit has not been met. But, hopefully, the public will become involved and hopefully the situation will be remedied.

And that is why it sometimes appears as if some people are arbitrarily argumentative. Well, I can assure you

where you have the law you may argue hard on the facts. Where you have the facts, you may argue on the law. Where you have very little of the two, it may be that you shout hard and pound on the table. I am sure you have done it many a time. That is kind of where we find ourselves.

I would certainly think it would be helpful to have both sides of the story as far as these incidents are concerned. And I do not wish to imply that I would want the Correctional Officers to incriminate themselves, but in terms of dealing with the underlying causes, it would be most helpful to have your gentlemen testify.

MR. KIRSCHNER: I am not sure I understand your remarks regarding the spirit of cooperation not being met. If you are referring to the exercise by my clients of their constitutional rights, then I must vigorously and strenuously object to it.

It seems to come back to the colloquy and dialog I had with Representative Miller. I think it comes in poor grace for any Legislative Investigating Committee operating within a democratic situation to be critical of anyone because they have exercised a constitutional right.

CHAIRMAN HAMMOCK: That has not been done. There has been no criticism leveled by anyone because they have

exercised those rights.

MR. KIRSCHNER: Well, I thought when you said the spirit of cooperation has not been met, that you were being critical of my clients.

CHAIRMAN HAMMOCK: I am talking about the spirit of cooperation within the Administrative Branch, the Legislative Branch and the Union.

MR. KIRSCHNER: As to that, to the best of my knowledge, I think there has always been an excellent rapport between AFCSME and the Executive Branch and the Legislative Branch of Government. But on balance -- and that is what you look at when you get down to the bottom line -- I think anyone who will be candid and frank with you would say that this Union has always stood in the foreground, number one, in representing its members and, number two, working with the department and the Executive and Legislative Branches in attempting to help them best fulfill the mission which has been assigned to them.

CHAIRMAN HAMMOCK: In further continuance of that spirit, it would be helpful if this Committee could hear two sides of the story, not only one side of the story.

REPRESENTATIVE RICHARDSON: Excuse me. We are going to have to take a short recess for our stenographer and we still have several orders of business yet to accomplish

this evening. So I would like to take a five-minute recess at this point, and then we will proceed from there.

I thank you very much, sir, for your comments.

MR. KIRSCHNER: I thank you, Mr. Chairman, and, sir, are the witnesses I represent excused?

REPRESENTATIVE RICHARDSON: No, they are not.

Now, I would like to take a recess for a moment and ask that Mr. Patton be ready to take the stand in five minutes.

(A recess was taken.)

REPRESENTATIVE RICHARDSON: The time of recess having expired, I would like to call the hearing back to order.

Superintendent Patton, would you please take the stand?

ERNEST S. PATTON, recalled as a witness, having been previously sworn according to law, testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q The only reason I asked you to step before the Committee is to inform you that, number one, I am asking that the other inmates who did not come this morning be present tomorrow.

A Yes, sir.

Q Two, there has been some concern about those persons who have testified before the Committee. And we are now in the process of trying to get those inmates out of the institution and transferred to other facilities, such as the YDC in Philadelphia.

I am asking if you have any objection?

A No; no objection at all. But I will need an order from the Court on each case. That is the only problem I see.

Q I have talked to Judge Montemuro in Philadelphia to work on trying to move at least two of the inmates who testified before this Committee back to the YDC in Luzerne County. And the others are being worked on now through the Court. I wanted to make sure we had your cooperation to have them here tomorrow morning.

In relationship to your question about Mr. Stewart that you asked about during the recess, if Mr. Stewart was not present on either of those days in question, he does not have to be here, but if he was on duty and present, then, we would certainly request that he be here.

A Very good.

REPRESENTATIVE RICHARDSON: You are excused.

(Witness excused.)

REPRESENTATIVE RICHARDSON: If there is no further business, I would like to declare this Committee recessed until tomorrow morning at 9:30 a. m.

(Hearing recessed at 5:30 p.m.)

* * *

CERTIFICATE

I hereby certify that the proceedings and testimony are contained fully and accurately in the notes taken by me during the hearing on the within cause, and that this is a correct transcript of the same.


Michael P. Elliott, Reporter