

Oswald Called Agonized In Aftermath of the Riot

NYTimes By MICHAEL T. KAUFMAN SEP 15 1971
Special to The New York Times

ATTICA, N. Y., Sept. 14—

Russell G. Oswald, who only months ago pledged a total reform of the state's prison system, was described today by people who had been with him during the days of turmoil as an agonized man—lonely and pressured within the walls of the institution where he had to deal with the most violent prison riot of modern times.

Only 12 days ago, the Commissioner had sent a taped message to the 2,000 inmates of the prison here outlining the steps for reform he has worked on in his first eight months in office.

He told the prisoners that his department would be building halfway houses for inmates preparing to return to freedom, that work release programs were being developed and that he was considering a proposal to have certain inmates obtain weekend passes for visits home.

What I'm asking for is time," he told the inmates.

Six days later, time ran out. Mr. Oswald left the Albany hospital where his wife had just undergone surgery and rushed to the prison here where more than 1,000 inmates had seized 38 hostages. Since then he has been staying around the clock in the superintendent's office, sometimes challenged by advisers, sometimes menaced by prisoners.

Outside the walls he is frequently criticized openly by townspeople and guards, some of whom have petitioned Governor Rockefeller to forbid Mr. Oswald "from interfering in any disturbance until order is restored."

Calmness Is Praised

So far, the only praise for the 62-year-old penologist has come from members of the citizen's panel that he convened at the prisoners' request. One of these was Herman Schwartz, a law professor from the University of Buffalo who has often filed actions in behalf of prisoners and that were aimed at Mr. Oswald's department.

Mr. Schwartz was with Assemblyman Arthur Eve, the first of the mediators to arrive after the rebellion began here.

"That first night, Thursday, Mr. Schwartz said, "Oswald went into the yard with us. The inmates became very personal in their attack on him. They tore into him. He took it with great cool."

Professor Schwartz said that toward the end of the first discussion some prisoners suggested seizing Mr. Oswald as an additional hostage and that while this idea was debated and ultimately rejected, the

Commissioner remained calm.

And Assemblyman Arthur Eve, angry that Governor Rockefeller had refused to come to the prison before the order to attack the inmates had been given said:

"I do not blame Mr. Oswald for the decision to go in. I can never believe that he gave it. All the blame goes to Rockefeller."

Humanitarian Approach

The black legislator from Buffalo went on: "I probably saw the Commissioner more than anyone else. It was obvious that he valued human life. He attempted to be a humanitarian.

"He was a lonely man and he was under constant pressure while I saw him. There were many people around him. A general and a major and a lot of his own people showed to a great degree that they disagreed with the decisions he was making."

He explained that in one instance some of these aides tried to prevent the Commissioner from going into the yard held by the prisoners for talks, but that Mr. Oswald overruled them, saying that he could not be responsible for missing any opportunity that could lead to a settlement.

Mr. Oswald has been unavailable to the press for the last week, but in a briefing yesterday, Jerry Houlihan, the Commissioner's deputy for press relations, said the decision to send in the state troopers was made by the Commissioner after consultation with the Governor.

Kenny Jackson, an ex-convict and a member of the Fortune Society, a group working for prison reform, said that he thought that the commissioner was "one of the very few rational people in the whole situation."

"What happened while I was there," he said, "was that on both sides the irrational people took over from the rational ones. Psychotic prisoners replaced strong and reasonable inmate leaders while ego-trippers were making more noises on the other side of the negotiations."

Aware that the carnage in the yard could easily destroy Mr. Oswald's program for reform in addition to his career, Mr. Jackson observed: "The commissioner is the best thing to happen to corrections in this state and if he goes, there's no hope

What Mr. Jackson admires and what others — including guards and townspeople — deplore have been the attempts made in Mr. Oswald's tenure to use new approaches and re-

cruit new personnel. In conversations around this village, people talk of the toughness that the system had under the former commissioner, Paul D. McGinnis, who, unlike Mr. Oswald, came up through the ranks. They view the new commissioner as too permissive, too lenient.

A petition circulated by a number of correction officers in the last two days asks Governor Rockefeller to remove the Commissioner and his chief deputy, Walter Dunbar, for his role in the riots.

"These two men with their policies and programs have left a sickening number of dead correction personnel from coast to coast."

Past Roles Cited

That reference was to the job that both men had held in the Wisconsin, California and Massachusetts prison and parol systems. The petition, in the form of individually signed mimeographed sheets, adds:

"I know the risk I take in my work and that my life may be forfeited at any time. This I can live with. What I cannot live with is the knowledge that when I am a hostage I will be abandoned by the administration and my fate left in the hands of Bobby Seales and William Kuntzlers."

In less troubled times than these, Commissioner Oswald has frequently indicated the need to change the thinking of correctional officers, shifting away from "custodial aspects" to more training and rehabilitation. Last spring, during a casual interview in his office in Albany, the Commissioner said that he thought he had "the toughest job in the country."

He said that the challenge posed by radicalized prisoners was the greatest he had faced in his more than 40-year career. "When I talked to these people, what they seemed to be saying to me was that for the first time in their lives they were the majority. They were saying that New York's prison program was geared to the majority of the people, that we were still programming for whites.