

William J. vanden Heuvel

Oral History Interview
with William J. vanden Heuvel

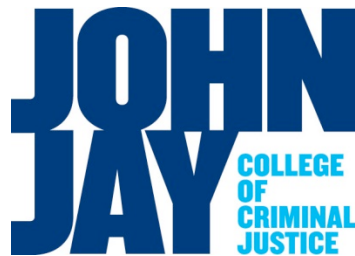
*Interviewed by Jeffrey A. Kroessler
on February 2, 2011*

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Justice in New York: An Oral History

No. 12



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Preface

President Jeremy Travis initiated Justice in New York: An Oral History in 2006. Based in the Lloyd Sealy Library, the project was made possible through a generous grant from Jules B. Kroll, President of the John Jay College of Criminal Justice Foundation. The goal was to interview criminal justice leaders – district attorneys, police commissioners and members of the department, elected officials, defense attorneys, and advocates, individuals concerned with the workings of the system.

Each interview is recorded on cassette tapes and/or a digital recorder. The original is deposited in Special Collections in the library. Each transcript is bound and the volume is cataloged and placed on the shelves. A digital copy is available through the library's web site, as are selected audio clips from the interviews (<http://www.lib.jjay.cuny.edu/>).

Oral history is a problematic endeavor. The interview is only as good as the questions asked and the willingness of the interview subject to be open and honest. Some remain guarded, others become expansive. Sometimes memory fails, and details, names and dates are confused. Some individuals have their own set story, and an oral history will add little that is new or especially insightful. Other individuals use the interview as an opportunity to sum up a career; on occasion that means gliding over unpleasant or difficult details. Our purpose was to allow each individual to tell his or her story. In each case, the final transcript has been approved by the interview subject.

Even with those caveats, what emerges from these interviews is more than a collection of personal reminiscences. The interviews shed light on controversies and policy decisions of a particular historical moment. At times, the interviews verge on the philosophical, as with discussion of capital punishment, race relations, or the decriminalization of controlled substances. Always, the interviews contribute to our understanding of the many facets of the criminal justice system – law enforcement, prosecution, incarceration, prisoner re-entry, and electoral politics – and reveal how New York has changed over the decades, as have social and cultural attitudes.

Justice in New York: An Oral History stretches across more than half a century, from the 1950s to the 2010s. Those years saw an unprecedented rise in social unrest and violent crime in the city, and then an equally dramatic drop in crime and disorder. If the interviews have an overarching theme, it is how the city – the police, courts, elected officials, and advocates – addressed and, yes, overcame those challenges. These men and women were actors in that drama, and their narratives stand on their own. The truth or mendacity of the story is for the reader to assess.

Chief Librarian Larry E. Sullivan guided this project from the start and participated in several interviews. Interim Chief Librarian Bonnie Nelson oversaw the creation of a new website for Criminal Justice in New York, a portal for the oral histories, trial transcripts, images and documents from Special Collections, and other resources. Special Collections librarian Ellen Belcher, cataloging librarian Marlene Kandel, and emerging technologies librarian Robin Davis contributed to the success of this project.

Jeffrey A. Kroessler
2013

William J. vanden Heuvel
Chronology

April 14, 1930	Born in Rochester, New York.
1946	Attended Deep Springs Junior College in California.
1950	Graduated from Cornell University.
1952	Received degree from Cornell University School of Law; Editor-in-Chief of the law review.
1952-1953	Served in Air Force, rising to the rank of Captain in the Judge Advocate General's Department.
1953-1954	Executive Assistant to William J. Donovan, Ambassador to Thailand.
1958	Special Counsel to New York Governor Averell Harriman.
1958	Associate in the firm of Javits, Moore and Trubin; named partner 1960.
1960	Candidate for Congress from the 17 th District in Manhattan (the Silk Stocking District) against incumbent John V. Lindsay; lost, 80,046 – 53,900.
1961-1970	President of the International Rescue Committee.
1962-1964	Special Assistant to Attorney General Robert F. Kennedy; involved in desegregation of Prince Edward County, Virginia.
1964	Central role in Robert F. Kennedy's campaign for Senate in New York.
1965	Joined the firm of Stroock & Stroock & Lavan as a Senior Partner.
1967	Vice-President of the New York State Constitutional Convention.

- 1968 Central role in Robert F. Kennedy's presidential campaign; backed Senator George McGovern after RFK's assassination.
- 1969 With Richard N. Goodwin, organized a national coalition to oppose the Safeguard ABM system proposed by President Nixon.
- 1970 Sought Democratic nomination for governor to oppose Nelson Rockefeller; nomination went to Arthur Goldberg.
- October 16, 1970 Julio Roldan was found hanging in his 8-foot by 8-foot by 6-foot steel cell in the Tombs (the same day, Jose Perez was found hanged in the infirmary at Rikers Island; he was being held because he could not make bail of \$500). A member of the Young Lords, Roldan had been arrested three days before and charged with attempted arson for setting fire to a newspaper at the entrance of an East Harlem tenement (the Young Lords had set many rubbish fires to draw attention to poor service by the Sanitation Department in East Harlem). During his incarceration he became increasingly violent and irrational. On October 18, members of the Young Lords armed with rifles and shotguns took Roldan's coffin from the funeral home and occupied the First Spanish Methodist Church at Lexington Avenue and 111th Street (the same church they occupied for 11 days in January) to demand that an independent committee of clergy investigate recent deaths in city jails. Announcing the end of their "no weapons" policy, minister of information Pablo Guzman said, "We have the guns to defend ourselves with. We don't want to cause unnecessary bloodshed." They rejected an offer to work with the Board of Correction because vanden Heuvel was a "politician" and "as such, he cannot be trusted to conduct an impartial inquiry." On November 17, the Board of Correction issued "A Report to the Mayor of New York on the Death of a Citizen, Julio Roldan." vanden Heuvel wrote: "Julio Roldan died by his own hand.... But the intricate system of criminal justice which we have designed to protect the community and the individual succeeded only in deranging him and ultimately, instead of protecting him, it permitted his destruction. If we kept our animals in the Central Park Zoo in the way we cage our fellow human beings in the Tombs, a citizens committee would be organized, and prominent community leaders would be protesting the

inhumanity of our society.” The *Times* printed significant portions of the report.

- Oct. 18, 1970 Named chairman of the Board of Correction, a citizen’s watchdog group, by Mayor Lindsay, to address conditions in city jails: “Every resident of New York City shares the Mayor’s deep concern regarding the turbulence and dissatisfaction in our prisons. I believe the Board of Correction can make a major contribution in resolving the problems and can reassure the community that New York is discharging its humanitarian obligations while meeting its need for protection and security against crime and violence.” Sworn in on October 27; Geraldo Rivera also appointed.
- Nov. 3, 1970 Rommel Lavon Moore (Raymond Lavon) hanged himself in the Tombs. He had been held for 10 months for assaulting a police officer, unable to make bail (with 24 court appearances during that time); he had been returned to the Tombs after a psychiatric evaluation in Bellevue, and had tried to kill himself in jail twice before. Four Correction Officers were disciplined for beating the man with blackjacks two days before his suicide and covering up their actions. A month later, vanden Heuvel issued a stinging report: “A Shuttle to Oblivion: A Report on the Life and Death of a Citizen, Rommel Lavon Moore.” The *Times* printed extensive excerpts.
- Nov. 5, 1970 Anibal Davila, a 45-year old heroin addict, hanged himself in the Tombs, the second suicide within a week and the 8th suicide in city jails in the year.
- Dec. 25, 1970 After a Christmas day visit to the jail, said, “We have to change our penal system, and one way to start is to humanize the Tombs.”
- Jan. 1971 Worked with Senator John Dunne on legislation to reform prisons.
- Feb. 20, 1971 Following another suicide in a city jail, remarked, “prisons are inhuman and improper places to treat addicts.”
- April 1971 After a grand jury refused to indict four corrections officers in connection to four jail deaths, remarked, “it’s difficult to get a conviction of guards out of Hogan’s office.” Conflict with corrections officers union intensified.

1971	Methadone detoxification units established at the Tombs, Rikers, and the Brooklyn House of Detention to provide treatment for addicts, rather than immediate incarceration.
July 10, 1971	Named by Mayor Lindsay chairman of the new City Commission on State-City Relations. The commission's report issued in December, "A Study of Studies," essentially blamed the state for the city's fiscal problems by limiting the city's capacity to raise revenue; in February 1972 the commission held public hearings, and in March issued their report: "Decentralizing the State Budget Process: A Role for Local Government." The commission issued eight reports in all.
July 25, 1971	Board of Correction issued a report which described the Rikers Island Reformatory as "a place of detention, a warehouse to store problems for which the Department [of Correction] has no other easy resting place." The report said the youthful offenders receive little "rehabilitation" and endure "empty days and useless work."
Aug. 31, 1971	Board of Correction held two days of hearings at the Bar Association looking into deaths and suicides in city jails.
Sept. 13, 1971	The State Police forcefully put down the rebellion at Attica State Prison, resulting in the deaths of 32 inmates and 10 guards held as hostages; all died from police bullets.
Oct. 1971	New Board of Correction program invited clergy to adopt cellblocks in city facilities and provide links between prisoners and their family and community, as well as to provide counseling. Some clergy set up a bail fund for impoverished inmates who had bail set at \$500 or less.
Nov. 19, 1971	Commissioner of Correction George F. McGrath resigned; he had held the position for five and a half years.
Nov. 1971	The Board of Correction announced it was filing suit in federal suit to compel the state to relieve the overcrowding in city jails. "You can go through the city prisons and find maybe thousands of persons incarcerated on minor charges on bails up to \$500," said vanden Heuvel.

Mar. 17, 1972	Following the recommendation of the Board of Correction, Correction Commissioner Benjamin Malcolm created a prison death review board to look into suicides, accidents, and other fatalities in city jails; four doctors served on the board. There were 11 suicides in city jails in 1971. Following another suggestion of the Board of Correction, Inmate Councils were set up at Rikers.
Apr. 14, 1972	Board of Correction issued, "Crisis in the Prisons: New York City Responds." While noting several improvements since the riots of 1970, the report still concluded that "the prisons stand as a monument to our failure."
Aug. 25, 1972	A jury acquitted three men charged with acts related to the riot in the Tombs in October 1970; District Attorney Frank Hogan called the verdict "a hideous miscarriage of justice." vanden Heuvel urged Hogan to desist from this "useless course of prosecution."
Jan. 1973	The Board of Correction's annual report for 1972 stated: "We believe that the era of tension, fear and distrust which followed the riots of 1970 is at an end."
Feb. 7, 1973	vanden Heuvel resigned from the Board of Correction and announced he would challenge Manhattan District Attorney Frank Hogan. On June 4, Hogan won the primary, 19,655 – 12,670.
1977-1979	Ambassador to the European offices of the United Nations in Geneva
1979-1981	Deputy Ambassador to the United Nations
1984	Co-founder of the Franklin and Eleanor Roosevelt Institute; chairman since founding.
Oct. 24, 2012	The FDR Memorial on Roosevelt Island, designed by Louis Kahn, was dedicated.

William J. vanden Heuvel

February 2, 2011

vanden Heuvel I am William J. vanden Heuvel. I am the former chairman of the New York City Board of Correction, 1970 to 1973.

JK Based on your early career, it struck me as, not a detour, but an unusual move for you to become involved with the criminal justice system when you did in 1970. Because your career up to that point had not necessarily been focused on that area of the law.

vanden Heuvel I had a long involvement, however, with human rights. And I was Robert Kennedy's assistant when he was Attorney General. And I was in charge of the segregation problem in Virginia, in Prince Edward County, where the schools had been closed in defiance to the edicts of Brown v. the Board of Education. The Attorney General sent me there because the President did not want to have an area of America where children could not go to school. For over four years the schools in Prince Edward County had been closed on the thesis by the local board of supervisors that although the Supreme Court could order desegregation, it could not order a public education. We don't want desegregation, therefore we will close the public schools. The white children went to private schools; the black children had no schools. So I spent a considerable part of the year organizing the Prince Edward County free school system. It was privately financed, but federally sponsored. And that gave me a continuing sense. I came from a background, as well. My parents were immigrants to the United States, and we were a poor working-class family in Rochester, New York. I saw what I regarded as a lot of injustices as I grew up, in terms of how the economic system worked, and prejudice and discrimination against people, against Jews, against blacks. I came from a family where that was never accepted. So, beginning, as a lawyer, I was fascinated with constitutional law. My first important mentor in life, probably, was Roger Baldwin, who was the founder of the American Civil Liberties Union.

JK Now, in all of the things I looked through, in researching your background, I never once saw the name Roger Baldwin.

vanden Heuvel Is that right? Well, because there was never any official position. Well, he was my closest friend. I met him when he was 65, and he died at 97, so throughout those years. I gave the eulogy at his funeral. Just last week I gave the Presidential Medal of Freedom that I had given to him thirty years ago at the request of President Carter, who had awarded it to him, Roger was in his 97th year, and last week I presented it to the Civil Liberties Union. So they could have it on display, as their honoring of Roger Baldwin. He was the founder of the Civil Liberties Union. We spent a lot of time together. He was radical, a wonderful Eugene Debs, Clarence Darrow kind of person. He had been at the Scopes Trial,

had seen all the history of the fight for civil liberties since World War I, had gone to jail himself, and we had talked often about the time he was in prison. And I learned for the first time, and that I certainly confirmed in my experience, that prison reform is a lot easier depending upon the type of prisoner you have. If you have a Roger Baldwin in a prison, he's going to help you make that a much better place. He organized a legal aid society in the prison so that the gamblers put up the money for the poor prisoners so they could have bail. This is a time when none of those institutions existed. He showed how to have gardens in the prison in New Jersey where he was. He organized music lessons, literacy lessons. So, I learned that experience from him, that a single individual can change the nature of the institution where you are, and certainly in prisons, where the prisoners have such an important role in how the prison is run, that was important. In any event, my interest continued, as I say. I saw that movie, *We Are All Murderers*, a French movie, in the Fifties, about how the whole system came together, put up a lot of money and all that in order to repair the guillotine so they could kill this defendant, this prisoner convicted of a crime. How he had wounded himself and was dying and they rushed him to the hospital and cured him so they could bring him back and guillotine him. I ran against John Lindsay for Congress in 1960. We were not good friends, but we knew each other. But in 1970, after Robert Kennedy's death, I ran for the Democratic nomination for governor, and I obviously didn't make it, but it was a race that attracted a lot of attention. And my candidacy attracted some significant attention. And John, faced with this crisis in the prisons, called me and asked me if I would be chairman of the Board of Correction.

JK Running for governor is not something you decide to do lightly. You must have realized that you were a long-shot at the time. But you were the first one into the race.

vanden Heuvel Long-shot, yes. Ted Sorensen ran that year, too [for United States Senate]. I think it was the wake of the Kennedy disasters, the tragedy of the Kennedys. And it was an effort to reassert ourselves as to being independent personalities, who we were. And carrying on the Robert Kennedy tradition for me, the John Kennedy tradition for him. I didn't have much money. But it enabled me to debate all over the state, and it enabled me to go to the convention to be nominated and to speak. Arthur Goldberg was the establishment candidate, and he came to the convention with the votes, but Nelson Rockefeller later said to me, how much of it is true who knows, the only candidate he was fearful of being nominated was me. Because he thought that I was young, and articulate, and tough, and that he never worried about beating Goldberg, but he did worry about beating me. But further than that, he offered me a position, a cabinet position in his government if I would support him in 1970. I was torn, because I knew Goldberg wasn't going to win. I liked Goldberg, but it was a disaster to have him as a candidate. And he was always was terribly burdened by the guilt of having left the Supreme Court. But he was not a natural candidate, a wonderful man. But I decided, no, I was going to stay with Goldberg. So before the election, I guess,

but long after I was out of it, the contest, John Lindsay called me and talked to me about, we had that first suicide. And there had been riots in the prisons, a great deal of furor and tumult. The Board of Correction at that point was essentially a moribund group. It was a group of citizens who met a couple of times a year, but who generally speaking listened to the Commissioner and supported what was said, and that was that.

JK But they weren't a reform outfit, at all.

vanden Heuvel Not at all, they didn't see their role as that.

JK But you're coming out the Robert Kennedy world, and one of the things that impressed me was when he was Senator from New York, he became very involved with Bedford Stuyvesant, restoration projects in the black neighborhoods in New York. I'm wondering whether there was a connection from your experience with Robert Kennedy in the Justice Department and when he was Senator that compelled you to look at the prison system differently.

vanden Heuvel I think clearly so, because I had always been involved in the racial questions, and you can't be involved with racial questions without being concerned about prisons. The criminal justice system is a very significant part of the racial crisis in America, and even today when we think of America as having more citizens in prison than any other country in the world. And you see the burden that that prison makes in terms of the African-American population. And then you read in other parts of the country, particularly in the South, where injustice is just, rampant, in terms of how people are arrested, how they're tried.

JK And extraordinary sentences for what some people would consider light crimes.

vanden Heuvel I found that in the prisons. I used to spend a great deal of time in prisons, even though I was a practicing lawyer at the time. But I would have dinner in the prisons three or four nights a week, and would certainly go to the prisons five or six times. The one single power that the Board of Correction had, and it had no real statutory power, was the right to go into a prison at any time. And that is a powerful power. I always operated on the Heisenberg principle of physics, that a body observed behaves differently than a body not observed. And that is certainly true in a closed institution like a prison, where the high walls are not only to keep prisoners in but to keep the public out. It's just an invitation to a catastrophic relationship between the prisoners and their correction institutions. So John explained to me that this had been a moribund group, and that he was quite prepared to support a Board of Correction that, he was going to reappoint the whole board.

JK It's a peculiar moment in New York City history, because you've got a mayor who's seemingly genuinely concerned with these issues, these racial

issues, these issues of inequality, and you have the prisons themselves having just exploded, all during 1970, brand new prisons, and millions of dollars of damage.

vanden Heuvel So overpopulated that it's hard to imagine. One of the first things that would come to any reasonable person is that you can't have 23,000 people in institutions built for 15,000 or less. And the court system was clogged. You know, the four functions of the criminal justice system, the police, and the district attorney, the courts, and then the prisons, were hardly related one to the other, and you had arrests which then, since many of the prisons in New York City are detention prisons, you didn't have a court system that could handle the volume of arrests. It's quickly apparent, if the prisoners didn't cooperate with the system, it would fall apart, because 98 percent of those who are arrested on felonies never go to court, or never end up with a court verdict. So you have to have a system where only a very small percentage of those who are arrested go through the process. Otherwise, the plea bargaining takes over, therefore you have the police arresting far beyond what the crime was, you have the district attorneys indicting far beyond what the crime was, so that they can force the plea bargain that's going to make the system work. And avoid the fact that the courts can't possibly handle the volume of those cases. And of course, if you're a defendant, you have no sense that anybody's listening to you, at least in those days. I'm not involved very much now except through the New York Correctional Association. So I can't speak to today's conditions. But in those days, it was so readily apparent to me, I decided right from the beginning that one of the most important things was that the system had to be really reorganized with the victim of the crime as the centerpiece. That the role of the society and the community was to protect its citizens, and therefore a citizen had a right to ask of the system everything that could be done to protect him. And around that formidable consideration you had then the responsibility to see that those who were the alleged perpetrators were treated properly and that the crimes were handled properly, and then the system works so that fairness and justice was done. But the victims were totally left out of the system, to my observation, when I became chairman.

JK Except that they had to go to court every time, and waste their time testifying, and at some point, they just give up. And there's no one testifying and the case falls apart two or three years later.

vanden Heuvel Waste of time. Absolutely. It was quickly apparent to me that most of the people were working people, and to give up a day's work to go down to the court, and then not to be involved in the case at all where it was dismissed, and of course, so many court appointed lawyers, right, who were also themselves overburdened and underpaid, they thought. They then took the position, well, let's delay the whole thing. Delaying was injustice, but also meant that the defendant would probably get the best deal he could. And meanwhile, what happened to the victim? The victim never even knew what the disposition of the case was. You go through an assault, you go through a mugging, you go

through a rape, and these crimes are then brought before the court, and nobody bothers to tell the victim of the crime what had happened, the disposition.

JK That really goes to how district attorney offices have changed, because in 1970, as you said, there's little concern for the victim, but that's where the district attorney's office now has a focus.

vanden Heuvel Cy Vance is a very good friend of mine, as was his father, and he spoke, actually, to the Board of Correction reunion in December. I wrote him a note after and said, when I ran for district attorney, I ran so that the district attorney would give the speech that he gave. They try to make you, if you're a reformer, they try to make you a soft head, as though you have no understanding of how rough the system is, and how rough crime is. It's not the point at all. You can do justice and handle the difficulty of crime while at the same time doing it with a sense of respect and dignity. What was totally lacking from the criminal justice system, I saw it in 1970, was lack of respect. There's no respect for anything. Frank Hogan had respect because he was a legendary district attorney. But the police were in disrepute. The corruption scandals were just ahead of us. The Knapp Commission, which revealed a depth of corruption that was startling. And the courts were in trouble, and the prisons were forgotten. By the time you got to the prisons, nobody cared, nobody was really looking.

JK The tragedy is that most of these individuals in the city jails had not been convicted of anything, they just couldn't make bail, and bail was, they couldn't make anything.

vanden Heuvel \$500. I had sympathy, I had sympathy for everybody who was involved.

JK You look at this situation in 1970 when you're walking into this and think, well, this is a great opportunity. Everything.

vanden Heuvel Everything is out of focus. John Lindsay, who has suffered in terms of his reputation as mayor in later years, was in my judgment an outstanding mayor.

JK At a difficult time.

vanden Heuvel At a difficult time. He was a courageous mayor in terms of the issues of race, and he believed in it. On an issue like prisons, where there was no, no one was going to focus on prisons, and to incur the wrath of correction officers, and to demand the reform. I never went to him, and I had open access to him, without having a clear feeling that he understood what I was saying, and that he was prepared to support. Sometimes we would disagree, and I always remembered that he was mayor and I tried to accommodate what his problems

were. But I don't think we have ever had a mayor who was more interested in the criminal justice system as a totality, and the prisons in particular.

JK Well, people are interested in the criminal justice system as a vindictive arm of the state, but not necessarily as an instrument of justice for all concerned.

vanden Heuvel I used to argue to public audiences all the time, that we spend hundreds and hundreds of millions in this system in the prisons. We have an opportunity in the prisons. Prison is a community institution. The people who are there are in trouble, for the most part. They're the people who have no opportunity, or who have mental problems. Or have been in trouble with the law before. They're going to be back. They're going out on the streets again, they're not here for life; this is a city detention facility. Let's take advantage of the opportunity while we have them. Find out who they are and to the extent possible see what we can do to ameliorate the situation so that when they go back into their own community they are better citizens. It used to bother me terribly, that there was so little time and effort and resources spent on finding out who the person was coming into the system, and then what happened to him as he was leaving the system. It seemed to me those were the two places where you really had to concentrate. The time where you had them in prison, which for the most part when I became chairman, was just wasted time, human beings sitting in cages. I said, let's try to use that time too. There's not much you can do in a prison, the way they're constituted, in terms of rehabilitation. But most prisoners have trouble reading. So literacy should be a project. And public health should be a project.

JK I did my dissertation under Dick Wade, and Dick, just as I was finishing my degree, was chairman of Mario Cuomo's Commission on Libraries, and he was stunned by the level of illiteracy among American adults, and how the libraries were working on it. He had me doing research and my guess was that three-quarters of the men on Rikers Island are illiterate.

vanden Heuvel I guess that's right.

JK And no one wants to address that.

vanden Heuvel We did try it, a number of different ways. For example, one night I had dinner with Angela Davis at the women's House of Detention, which was in the Village. So I said to her, in your short stay in the prisons, do you have any comments, do you have any suggestions? She said, "Have you ever been to the library in this building?" I said, no, I haven't. She said, "Well, go. There's nothing in the library that has any relevance to the prisoners here whatsoever." There were a couple of hundred books about coin collecting. What had happened, of course, was that publishers dumped books into the library that were not relevant. Well, almost overnight we built libraries. People were very anxious to give books. I went out and talked to the publishers and they gave different kinds

of books. Then you put staff people in there; then you began literacy classes that had relevance, using the library as a base in a prison institution. So you can learn an awful lot if you talk to prisoners about what's wrong with the prisons. But before I became chairman of the Board of Correction nobody was talking to anybody for the most part.

JK Do you think that was because of the complexion of the prisons, the fact that the prisoners in New York City even in 1970 were overwhelmingly black and Puerto Rican?

vanden Heuvel No, not necessarily. Because a lot of the correction officers were also black, Puerto Rican even then. I think it was, the system is set up so that those who are entrusted with the security situations, you have to think of the person in that cell as guilty. That person's done something terribly wrong. There was a study done by a professor at Berkeley in the 70s on correction officers and prisoners, and reversed the roles, they treated each other the same way. And one of the worst things, of course, is when you give complete authority over another human being to someone. That is a very destructive relationship on both sides of the cell. It's very destructive to the correction officer, who has that absolute power, and it's very destructive to the prisoner, who has no respect, or feeling that no one cares or listens to him. We tried to do a lot with correction officers. I mean, it was clear to me that they were burdened by a lot of the same problems, they lived in the same institution and something had to be done to give purpose and enlightenment to their jobs, and bring people into the system that had a different point of view other than just straight security. Because most of these people weren't convicted of crimes, and people had to be reminded that as citizens they had constitutional rights therefore that had to be respected. I often said to the commissioner, if you're hiring people from outside, try to get some of the clergy who are leaving the churches, or teachers who are leaving the school system. Because they are people who have already by career choice shown that disposition to help other people. And of course the medical services in the prisons were a joke. So we started with the death of [Julio] Roldan [October 16, 1970]. He had already committed suicide by the time I became chairman [October 18, 1970].

JK You have the riots in October, and you were appointed just days after the suicide. For some reason, that suicide resonated in the papers more than other. It just hit a nerve.

vanden Heuvel It was the Young Lords. The Young Lords were a Hispanic group, and they commanded a lot of attention in those days. And they opposed my selection to run the investigation on the grounds that I was a political person and wouldn't be sympathetic to their needs. But, the fact of the matter, what I did, I began by saying, there's a lot I have to learn here, and I'm not going to come in and pretend to know it. What I did was to go to about ten law firms and say, I need help. We had no budget, we had no money. I said, I need help, can you

assign me a young lawyer for three to six months, and we will put together a group. I called it the Rashomon investigation. I wanted to look at the death of Julio Roldan from every point of view, from his, of his family's, of the arresting police officer, from those who brought him into the prison, for those who had his care, for those who had dealt with him in any way. So I assigned young lawyers to all of those various parts of the investigation. And we wrote a report that got tremendous publicity. The *Times* reprinted it in I think in two full pages, "Death of a Citizen," we called it. *Newsweek* had a story saying this is a new style of public reporting, like the royal commissions, that we were saying, this is what happened, this is what has to be done, we're going to come back and ask you what was done in sixty days to ameliorate the situation. It's in that book my staff gave me when I retired. And then [Raymond] Lavon, shortly thereafter, committed suicide. He was African-American. Again, when you go into the circumstances of his life, and of his death, and of his arrest, you can see how all these things pyramided in a way, and got out of control. And then to discover there was a solitary confinement area in the prison, where he was confined. I challenge any human being to go into a prison as they were then. They were cages, eight feet by eight feet by six feet, and bunk beds, steel, frequently without a mattress, just steel bunk beds coming off the wall and designed originally for one person, then they added a second bunk bed, and then they had a third person often sleeping on the floor in those days. The Tombs, for example, had 50 percent excess in terms of population. Then you had a toilet. And that was it. And they were let out of the cells for an hour or two a day. I mean, it was a situation built for human disaster. And the correction officers were fearful, because of the riots, and the response always to riots is more iron and steel. Build more gates, build more secure cells. So the Roldan report, I think, hit hard in the city, and the mayor was very much affected by it, when he understood. At that time I think George McGrath was Commissioner of Correction, and he had come as a reform commissioner from Massachusetts, I think, where he had a very good reputation, he was a very good man. But he was from another time. He saw a lot of these problems but he didn't do too much about them in our judgment and experience.

JK Well, you were both dealing with the Correction Officers union, for example. And it's very hard to institute reforms when certain practices are enshrined in union contracts.

vanden Heuvel The correction officers were high school equivalency, the educational criteria. They had jobs where overtime was just the way the system worked. I think they had unlimited sick leave, which is another means of making the system not very successful. I've forgotten the name of the fellow who ran the union. He ran for Congress and was elected. I spent a lot of time with him. You know, they always accused me of dealing with the press. I was dealing with the press. We had no money. The only way you could change things was the Heisenberg Principle, to make people understand what was going on. And therefore I did a lot of things where the press listened. When they saw the Roldan report, Ted Sorensen said to me when that was printed in the *Times*, he said, "Bill,

if you do nothing else in your life, that report is really one of the most profound contributions to the whole concept of criminal justice.” And Roldan, when we found out he died in solitary confinement, which was even worse than the cells that these guys were otherwise living in, where they slipped in food a couple of times a day, and where you lived in dark. The thing, of course, that people found difficult to understand, how could he commit suicide in there? You have no rope, you have none of this. They couldn’t believe people had committed suicide on a shoestring, which they did. And the ways of taking your life were astonishing. Then another big problem that was coming in was the dope addicts coming in and going cold turkey. There was no transition period whatsoever. So just physically and mentally that process had to make them very mentally disturbed people, if you’re in the confines of a cage. I used to call it cages, not cells, so people would understand what we’re doing. I remember sending a memo to the mayor once and saying, I’ve just been reading some work by a German zoologist, or environmentalist, in the 19th century, and he was the one who caused zoos to open up. He said, if you keep animals confined, they either lose their total personality, or they become violent. And he created the open habitat of the zoo. I said, we understand that with animals, it’s no different with human beings, and we should really be thinking of how to change that environment of confinement so that the confinement itself does not add to the terrible burdens of the prisoner. And I said to him, one of the things we recommend is that we allow the prisoners to keep pets, because if prisoners kept dogs, people would be outraged by the way dogs were treated and therefore would insist upon prison reform. Whereas with human beings they pay very little attention. Anyway, John was always amused by these memos that I would send him, but it always had a degree of what I meant, logic. How do you get public attention? I always tried to get community leaders to come into the prisons.

JK You were very successful in getting individuals of talent to volunteer time and commit themselves to this as a cause. Clergy and medical professionals, especially, coming into the prisons and working with you, working for reform, working on behalf of the prisoners. It is such a different time today. Are we burnt out today, having seen so many times trying to change this? And you look at the population in prisons today and it’s as if we’ve been shoveling smoke.

vanden Heuvel Reform is a never ending process. I think I read pretty much the bibliography of American prison life. There was nothing new that we were saying. What we were seeing was a variant of all the other problems. I mean, there had been significant reform, over the years. Prisons were initially founded when prisoners, penitentiaries, where you were totally silent, you could not speak. Chain gangs had been abolished, at least in most of the country. So I think there has been, obviously, some important reforms. But the complaints and the problems had a continuing repetition over the years of our history. We brought to it a new point of view. I think today you could get a lot of people interested in prisons. You know the New York Correctional Association was founded in 1844, by a group of very prominent citizens, the Astors, the Vanderbilts, that group,

who were deeply concerned about the inhumanity of prisons. And that group is now lacking. What is lacking is the establishment, of the social structure, being itself concerned. But for a brief period of time, they were concerned with state prisons primarily, the Correctional Association.

JK The Correctional Association, when it was formed, had the backing of New York's elite, leading citizens.

vanden Heuvel I tried to do that in terms of the city prisons, and we were quite successful. We got a lot of business people, a lot of the entertainment world. We introduced programs into prisons where drama was taught. You know, there's a lot of talent among these prisoners who never had an opportunity in their lives. We had a lot of music. I remember getting James Brown to come to the prisons, Coretta King came. Having people of prominence like that always produced a big news story. And I tried to get people who were not just African-American, but the white community very much involved, the business community. I wasn't always successful. But I did things like, I was concerned about the food prisoners ate. Just awful. So I got the *New York Times* food critic to come with me out to the Brooklyn House of Detention to have dinner with the prisoners, so we could eat what they were eating and he could write a review. And he did. It didn't take a lot of money to change things like that. It was a matter of paying attention to how it was prepared, to get a much more balanced diet for the same amount of money, and make people aware of health and food in the process. Another thing, for example. There was a group of dentists who were organized in the Army Reserve, this was still Vietnam, so there were a lot of reserve units that people were part of and they were not on active duty. They would meet at the Armory on 67th Street, I went over one weekend and met with them. I said what do you do while you're here, and they had practically nothing to do. And I said, would you consider coming out to the prisons on weekends and doing dental work. One of the things with prisoners, the medical care, if you had a problem with a tooth they just pulled it out. You could go in looking fairly decent and come out looking like a Halloween pumpkin. It was a matter, again, of self-respect, giving people a sense of pride in themselves. It was a wonderful program, and these doctors got as much out of it as the prisoners. That's what you find. When people are invited to help, John Kennedy did it with the Peace Corps, Obama did it with his recent speeches, if Americans are invited to help solve problems, they're very responsive.

JK Looking at our times and those times, was there something particular to that moment, that early 1970s moment, from Bobby Kennedy up through the mid-70s, those particular years seemed to bring out a lot of these experiments, a lot of these commitments, a lot of these stories of involvement in bigger social issues, and it wasn't even something to think twice about. I'm wondering whether that same type of attitude, I understand what you're saying about Americans wanting and being willing to help, and wanting to be involved.

vanden Heuvel Well, you need leadership. I'm a Rooseveltian. I've spent a good part of my life as chairman of the Franklin and Eleanor Roosevelt Institute. I regard Franklin and Eleanor Roosevelt as the two most significant figures in public life in the 20th century. And what they stood for in terms of their values was very meaningful. From the Roosevelts, the next big reform era was Kennedy-Johnson. So you had the Peace Corps, you had the war against poverty.

JK And John Lindsay.

vanden Heuvel And John Lindsay, as reform mayor of New York. It was a great reform era, the Sixties. And that energy survived the terrible assassination of John and Robert Kennedy. And except for Vietnam, which was such a destructive thing, that destroyed President Johnson's real valid claim to greatness as president.

JK And destroyed him personally.

vanden Heuvel And destroyed him personally. Made a big difference to have the wind of reform behind you. And those who were knocked out like me, knocked out of the national scene because of the change in national politics, were delighted to have an opportunity at the local level to really see if that same reform, if something could be done about.

JK That's rather more difficult than the national level, because, it will be interesting to see what Rahm Emmanuel does in Chicago, because in some ways it's easier to work on a magna scale in Washington than dealing with the schools and the police and the jails and the welfare and the street cleaning in Chicago.

vanden Heuvel But nevertheless, a prison system that had 23,000 prisoners in it when I became chairman of the Board of Correction, and was a city of a lesser population than it is today, by the time I left the board it was down to 15,000. I think today's 12,000. You can do things about it, and it's not expensive. What's expensive is not to do something about it. And if you reorganize the system and allocate the resources intelligently, you can move it along just like the mail system, for example. How many people were in prison for a \$250 bail, or a \$500 bail? Well if you're penniless, it doesn't matter what the bail is, does it? What you do is to remember the purpose of the bail, which is to cause the person available to the process when he is summoned. We had to work on that. People like Herb Sturz and the Vera Institute did heroic things and had a whole laboratory of reform going all the time. We were looking for constant ways to get people out of the prisons while at the same time protecting the community. I think the Vera Institute was a major instrument, and Herb always was.

JK And there's Herb Sturz with his ideas coming out of Vera, and you've got government, elected officials who are willing to listen to implement those ideas, to give them a chance to work.

vanden Heuvel Change of course if difficult. Because you're dealing with a bureaucracy that is there, before you and after you. And when you come in and you talk about all these things, their attitude is, wait a minute, we've been running this system. And then when you finally get them involved in reform, to keep that energy and commitment after you leave the situation is not easy. That's why reform is so difficult in so many ways. So you have brief spans of reform, and then you have to have time to absorb what has been done. I think one the major things we did was to force the federal courts to have jurisdiction on the overcrowding issue.

JK You filed suit.

vanden Heuvel We filed suit. And when Judge Lasker got involved, then you had a federal monitor overlooking the administration of this system, then you had something that nobody could ignore. They might try to ignore me, I was appointed by the mayor, I had no elected base at that time as chairman of the Board of Correction. We had no money; we had a modest budget, I think John finally ended up giving us maybe \$500,000 or a million a year. These young lawyers we had hired had become in fact our staff. John Brickman gave up his law firm and became the first executive director, full time. We hired some wonderful young people, who really changed their lives. When we had a reunion now, every year when we have a reunion, I'm fascinated by these wonderful young people, what they've done with their lives. They've all kept a very strong commitment in terms of criminal justice, in one way or the other, while at the same time having successful lives in other areas. So yes, it was a reform period. On the other hand, John could have appointed a chairman of the Board of Correction who was going to continue its tradition of being moribund. Instead he chose somebody who was going to do something. And he made a new board. There were only three holdovers, I think. There was Rose Singer, who had been on the board, David Schulte, and Bill Dribben, a southern colonel. But then he appointed Geraldo Rivera, and there was a minister from Harlem, it was a wonderful group of people.

JK I was also struck that the people he appointed had more grassroots connections; the Board of Correction today seems to be a very high, professional, very well connected board, as opposed to a board that is in some ways closer to the prisoners.

vanden Heuvel It's risky for a mayor to put a reform motion and to move it forward. The temptation is to appoint people, people like the honor of being on the Board of Correction, so they use it as a patronage aspect. And part of the game of patronage is don't disturb the guy who appointed you, don't make it hard for him or her. And in the process you have a different focus on what your job is.

JK Switching gears a little bit to the next topic.

Side 2

JK I want to ask about your run for district attorney against Frank Hogan, and why you decided to challenge Mr. District Attorney. Not that he did not need challenging, but it's quite an audacious move. I know the results were 19,655 – 12,670, but I looked at the results and thought, gosh, that's kind of respectable.

vanden Heuvel I would have done much better if the *Times* had not come out in a front page article saying that the Bar Association had ruled me unqualified.

JK I saw that episode and didn't know what to make of that.

vanden Heuvel Well, that was because Frank Hogan controlled a lot of the levers of power at the Bar Association.

JK Unqualified is rather extreme.

vanden Heuvel What they were saying is that I've never been in a prosecutor's office. And that was obviously true, and I could respond to that by saying Frank Hogan hadn't been in a courtroom for 25 years either, and what really happened was that you were administering justice. It was a legitimate argument against me, that I had not come out of a prosecutor's office. But up to that article, it was neck and neck. I think that changed the equation, a very painful time.

JK The *New York Times* had been so supportive of everything you had done, with the Board of Correction, I was really stunned by the very favorable coverage they had been giving you and the work you were doing.

vanden Heuvel You can't underestimate Frank Hogan's position. He'd been district attorney for 32 years. When I ran I really ran on the assumption that he wasn't going to run. And there was no natural successor. He wanted somebody out of his office, he wanted to be able to name his successor, and when he looked at the situation, he became convinced, I believe. We had a good relationship for the first two years of working together. But I began to see that the district attorney's office was pivotal, pivotal in how criminal justice worked in the city. And that if you really wanted a single lever of power to change the system, the district attorney's office could be that. And I don't think he intended to run. I think he only ran because he felt that he was the only one who could beat me. So he ran, and as you know he died before he took office again. He wasn't ill though, I think, when he announced that he was going to run again.

JK Or didn't know he was ill. A stroke soon after.

vanden Heuvel And cancer, I think too. As a person he was a lovely man. I had supported him in 1958 when he tried to get the nomination for Senate, he ran for the Senate nomination. But he was an old fashioned Irish politician.

JK In a non-political office?

vanden Heuvel In a non-political office. But he had a terrific political instinct. I don't know how and what he did with various people, but nobody wanted to be on the other side of him. And that's a tough race to undertake. I was always very courteous, polite, but I did argue that the office could be reorganized in a way as to have a more direct impact on the things that were ailing in the criminal justice system. And at the same time be more effective. We did things together. One night I was walking through the Queens House of Detention, I was talking to the prisoners, what are you in here for. This prisoner said, "I'm here for 50 years, I have a 50 year sentence." I said, fifty years? "Fifty years without parole." What in god's name happened? He was from Louisiana, he was arrested for having four marijuana cigarettes, and brought before the court and given that sentence in Louisiana. And he had escaped from prison after four years. He was picked up in New York City for some violation, not a crime. So he was languishing in the Queens House of Detention awaiting extradition to Louisiana.

JK Which is death.

vanden Heuvel Death, yeah. So I went to see Hogan. And I said, can't we do something about this situation? The injustice of it, if the facts are correct. And he did. He looked at the facts, he ascertained that what the prisoner said was correct, and he refused the extradition. So he was a good and decent man, but he was a man at the end of his career, and I thought he wasn't going to run again. And he shouldn't have run again. And then when he died, I guess Rockefeller appointed Dick Kuh, who had come out of his office. But then I helped Bob Morgenthau run; I wasn't going to run again and I urged Bob to run.

JK That turned out well.

vanden Heuvel That turned out very well, turned out very well. I knew Bob as U.S. Attorney during the Kennedy years, he was an appointee, and had run for governor.

JK When Jimmy Carter became president, had you been interested in becoming the U.S. Attorney for New York?

vanden Heuvel No. Not at all. I didn't ask for any specific position, but I was interested in foreign policy, and so I had a wonderful four years with him as Ambassador to the United Nations, first in Europe and then here in New York.

JK When I did the chronology, I looked at the Board of Correction as a particular episode in your life, an episode in your career, and I assumed that your interest in the criminal justice system persisted even though you didn't have points where you touched down and became actively involved. Is that accurate?

vanden Heuvel I think that's true. The vehicle for my continuing interest was the New York Correctional Association. And the Board of Correction, because the staff of the Board of Correction were still people who I knew quite well, and would stay in touch with them by phone, or they would call me and ask my advice. People like John Brickman and that group remain friends to this day. We're all interested still in criminal justice. You don't have an opportunity to get very deeply involved. I tried to get the major law firms to get much more involved by assigning cases to them, when I saw how people were represented by lawyers who had not even looked at their case before they came into court for trial, not for a hearing. I went to the Bar and talked to a number of them, I came out of a major law firm, and just said we can't do that. We have a responsibility as lawyers, to do something. So we did something, and we also got a lot of good lawyers to represent defendants. In fact I did that myself, I took three or four cases just to say, let's do it.

JK And you were treated as roughly and as disrespectfully as everybody else who walked in there.

vanden Heuvel You have to sit in those, you have to be in the situation, you have to sit in the courtroom. You have to go into the prison. You just can't do it an inspection tour. You have to really spend time there. One of the things I did was to get the schools to send children to prison, from high crime areas. A field trip. To say, this is what a prison is like, and to have prisoners talk to them. And to say, stay out of here. There's a hundred ways you can use the prisons to really ameliorate community conditions, and that's what we tried to do.

JK It is still the case that we would love to see reform in the prisons, reform of the prisoners, to have them be good citizens when they emerge. But are the odds too high at this point, between literacy, the job situation?

vanden Heuvel Can you get rid of poverty? Poverty is certainly one of the core roots of the problem. It's not the only one, but poverty, mental illness, dysfunctional family life.

JK Dealing with mental illness in the prisons, today that's one of the great warehouses of the mentally ill, is our prison population. You were just beginning.

vanden Heuvel A product of reform. Nelson Rockefeller had a great reform of closing the mental institutions, which should have been closed. We had 80,000 people in state mental institutions. They said, with new drugs, most of these people can return to a fairly normal life. Which is true. But you had to have a

community center; the heart of the program was to have a community center where people who were released from mental institutions could be in close contact. Those were never funded, never developed, so what happened was the prisons became the repository of mental health cases. I always estimated at least 20 percent of the prisoners were people who had mental health problems. And there were really no resources in prisons.

JK There were no psychiatrists.

vanden Heuvel And the doctors were terrible. The clergy left something to be desired. They were all part of the system.

JK Which is why you brought in volunteer clergy to come into the prisons.

vanden Heuvel I would get Paul Moore, who was the Episcopal Bishop of New York to come down, we'd have Harlem ministers. I'd want to say, we're with you, these are your people. We want to help you. So there was never a day that wasn't terribly exciting, because something was happening. You were visibly seeing lives affected and changed and helped.

JK You were earning a living at the same time, weren't you?

vanden Heuvel Yes, reduced from what it otherwise might have been, but enough to sustain me. I was single at the time, I had been divorced in 1970, just before all this. I was a senior partner at Stroock & Stroock & Lavan, but I spent equal time in prisons as I spent on the law.

JK And at the same time you were also appointed to a commission on state-city relations.

vanden Heuvel That was John Lindsay's fight with Nelson Rockefeller.

JK But you stepped into the middle of it.

vanden Heuvel Yes. He asked me to do it. Rockefeller appointed a fellow named Scott from one of the major law firms to be the head of the state commission to investigate the relationship with the city. So Lindsay had the idea of appointing me. And I had come out of the constitutional convention in 1967, and had drafted the new constitution, as the chairman of the committee on style and arrangement, and I was recognized as someone who really understood some of the problems between the state and the city. I have a book by Mario Cuomo, somewhere, where he wrote in a dedication to it, that I was the one who introduced him first to public life. His first public appointment was as a member of that commission. It was wonderful. What we did, I think maybe at his behest, was instead of just jumping into it, I went up and met with Rockefeller and I said, I'm not in this to embarrass you, there are real problems between the state and the

city and I'll be glad to provide a good forum for a reasonable discussion of it, and not do anything to try to embarrass you politically. But my point of view was, these reports have been written for fifty years, and I suggested that instead of immediately beginning to go out to see what's wrong, let's start by reading the reports.

JK I saw that your first report was a Report on the Reports.

vanden Heuvel Exactly. That put it all rather in focus. Everybody knew what the problems were, it was just the political will to do something about it wasn't there. Anyway, that was sort of as a favor to the mayor. And then when I told him that I was thinking of running for district attorney, he knew I was in for a tough fight, and I think probably Frank Hogan talked to him and said, you know, I don't want to run again, but I'm going to run again if vanden Heuvel runs. So John offered me the Parks Commission, to be commissioner of parks. I thought about it, but I said no, I probably won't win but I'm going to fight it out. And I'm glad I did. Dick Clurman, I think, became parks commissioner, never knowing that John had offered it to me.

JK I did an oral history project with State Senator John Marchi, because the College of Staten Island got his papers. I developed an enormous respect for the man. One of the things he talked about was the constitutional convention. That seems to have been a galaxy of New York City political stars who attended and worked on that. It struck me as a remarkable experience of individuals of intelligence and political savvy and public commitment. And it did not succeed.

vanden Heuvel It's very hard for constitutions to succeed on presentation for public approval, because all of the forces that lose come together and form a very solid force against adopting the constitution. In that case, the Catholic Church, because one of the principal problems of the constitutional convention was the Blaine Admendment and the possibility of financial aid to Catholic schools, parochial schools, non-secular schools. And that was defeated. My own judgment of that was that the Supreme Court would rule on that. I mean, it was unconstitutional, clearly, if you accepted separation of church and state. But the Church was adamant. The abortion fight hadn't begun yet. That was in the Seventies, Al Blumenthal and other courageous people like that carried that fight. But you're right. We had Bob Wagner, we had Charles Desmond, chief judge of the state, Tony Travia was president, having beaten out our candidate. I was really representing Robert Kennedy, as a delegate to the constitutional convention. Charlie Desmond, who was the chief judge of the state, was our candidate to be president; we wanted to take it out of politics as much as we could. And Rockefeller put in Travia so that he could control what he wanted to control. And Bob Wagner and Abe Beame, Arthur Levitt Jr. It was a very distinguished group. And then Charlie Rangel, Basil Patterson, Percy Sutton, Herman Badillo was also in it. So it was a time where a lot of things got discussed, and over a period of time, almost all of the important recommendations and changes were adopted. As

I learned in my experience, it's tough to amend the constitution without alienating the forces that have special interests, and that those special interests combine and organize against you.

JK Today you would have the anti-abortion foes opposing anything because it includes abortion, and the pro-abortion opposing because it doesn't protect it enough. It would be a disaster.

vanden Heuvel The anti-abortion forces today I'm sure would try to get a constitutional amendment. Sure. You'd have a very difficult time. That's why the Supreme Court, one of the most important responsibilities of the Supreme Court, is to handle what are otherwise irreconcilable differences. And find a solution, not acceptable, Roe against Wade is not acceptable, obviously, to the Catholic Church, but at least there's an arbiter that has made the decision that everybody has to deal with. And it wasn't a political decision.

JK I can't imagine having a constitutional convention in New York State today, with the parallel numbers, so to speak, that would be filling those slots who filled the slots then. I just can't imagine anything laudable coming out of it. Is there anything I haven't asked you about that you think we ought to include?

vanden Heuvel No. I'm delighted that the Board of Correction as an institution continued. I wish it were less politically dominated, and that it was more independent, but that's a function of who appoints you. And I had the good fortune of being appointed by a mayor who really wanted me to be an independent chairman. I had a wonderful group of people that would work together, not always easily. Because I always tried to get a unanimous result out of every issue. Geraldo Rivera resigned shortly after; he was working for ABC when he went on, and then when we had these suicide cases I thought it was inappropriate that someone in the media was privy to all of these things. And he thought so too, so he resigned and went on to his great work, I think it was afterward, Willowbrook. But everybody who was part of the Board of Correction regarded it as one of the most important experiences of their lives. Even if they began suspect, the thing reformers are always accused of, what's your ulterior motive. vanden Heuvel wants to be D.A., vanden Heuvel wants to be governor, vanden Heuvel wants to be this and that, that's why he's doing this, to get this publicity. The best test of that was that at least I convinced a very varied group of people who were the members of the Board of Correction that we had a mission that we could accomplish together, and that personal ambition had to be pushed aside. Because in fact, you were inviting a tremendous amount of attack. The Correction Officers union called me every name in the book in the newspapers. And they had a very important connection to newspapers in town.

JK And some of them were being indicted for assault on prisoners, or murder of prisoners.

vanden Heuvel They were never convicted, and generally were not even indicted, and that was one of my criticisms of the situation. Because we had a case where a prisoner was beaten. Well, Lavon, he was alleged to have hit a correction officer with his shoe.

JK And you did your Khrushchev imitation and proved.

vanden Heuvel And proved that the shoe couldn't have fit through the bars in the cell. So that was embarrassing, and subsequent to that, one of the correction officers came to the *Daily News* to tell them that what we had said was true. And the *Daily News* made a big story out of that, and called me up, and I met with the correction officer. He was a strange guy. But I had no doubt that he was telling the truth, because that's what we had found ourselves. But Hogan wouldn't deal with the case.

JK There weren't a lot of police indictments under Hogan, and as the Knapp Commission showed, there were plenty of reasons that you could have.

vanden Heuvel You know what happens in that kind of bureaucracy in life, unless you have disciplined leadership, those things happen. Power invites corruption. Any time you have power over someone, and you have the power to make decisions that'll help someone else, that's an opportunity for corruption. You have to have an attitude, and you have to have a discipline, and you have to have leadership. It makes that impossible because the temptations are always there, as we saw with the police. How can you deal with narcotics? With the billions of dollars that are involved in it, and ask men to risk their lives who are being paid 60, 70 thousand dollars a year and come into rooms where the suitcase is filled with money, and this guy is facing a life sentence and he offers you a million dollars. What do you say? That's what the Knapp Commission found. That was true of gambling, it was true of prostitution. What are the three most lucrative businesses in America? Narcotics, gambling, prostitution. Much more profitable than GM. So those things continue to go on, and it's because there's so much money involved.

JK Charles Hynes always calls for the legalization of gambling in some forms every time he busts another mob-related gambling ring. I'm expecting one this week before the Super Bowl.

vanden Heuvel Yeah. I wrote an article for the Columbia Journal. "How should the press report prisons?" That was an article I wrote in 1972. I reread it, my daughter read it, who's the editor of *The Nation*, she said you could publish that article today. It had the same relevance.

JK The last question: Should we legalize drugs? The private use of drugs. Is that the solution to this insolvable problem?

vanden Heuvel I think the marijuana question in a city like New York is essentially handled like, don't ask don't tell. People aren't arrested for marijuana, for the most part. I think the system is attuned to try to go after the sellers, the dealers, more than the users. It is a victimless crime. I think the disaster in the criminal justice system was when narcotics became a criminal operation instead of a medical operation. And I think that although there is a criminal aspect to it, if we work more on the medical side of addiction, we would do much more to protect our community than we can through the criminal justice system. Making it illegal doesn't make it not happen. A person's addicted, he's lost control in many ways of his behavior.

JK And you introduced that concept into the city jails as well.

vanden Heuvel Yes. Absolutely. And as I said, watching prisoners going cold turkey, and seeing the devastating results. I worked with Vincent Dole, a wonderful doctor, and introduced methadone so that when the prisoners came in they got thirty days of methadone treatment, which brought them down, slowly. I don't know whether in the long run that was good or bad, I guess methadone has become its own problem. I don't know. It was actually inexpensive, originally. So if you could take the money out of the problem, you've already made a big start. And it clearly had results in prisons, where you would have to deal with narcotics addictions. If you come in with a heroin addict, and you think of this guy as a real criminal, because he's using heroin to destroy himself, and of course the crime element in narcotics was that it was so damned expensive that they had had to go out, and since the poor were largely involved in it, you had to go out and rob and steal in order to get the money to buy the narcotics. I think the domination of that issue by the criminal justice system has worked to damage and corrupt both issues, unfortunately.

JK Well, thank you very much. This is for an ongoing oral history of criminal justice.

vanden Heuvel Well, that's a wonderful thing to be doing. It's sort of what my attitude was about the Rashomon review. Where five people look at the same incident, but since you're looking at it from a different point of view, filtering through a different self-interest, you see a different situation. When you look at the criminal justice system, you look at it from the point of view of the police, or the district attorney, or the parole system or the prisons, you see a very different problem. I was very much aware of that in the prison situation. I wasn't saying the prisons had to be treated exclusively, it's an integrated system. I was just saying that prisons were not understood in the context of how it could be a very valuable part of a criminal justice system whose design was to protect the community. And one of the ways you're going to get reform is the way you're going to get it now, with Governor Cuomo, is the prisons are so expensive. We went down significantly in our population in the city prisons; the state did just the opposite.

When I became chairman of the Board of Correction, I would doubt if there were 20,000 people in the state prisons. And now under Cuomo there are 72,000.

JK Well, it's the Rockefeller Drug Laws.

vanden Heuvel The Rockefeller Drug Law. As soon as you have mandatory sentencing, you lose control over a lot of those issues. Obviously the Rockefeller laws didn't stop the use of drugs, and it hurt the whole handling of the problem. Rockefeller was a strange person on issues like Attica, like the Rockefeller laws. Attica, think of Attica. I was chairman of the Board of Correction then. Clarence Jones, involved in the Harlem community, in buying the *Amsterdam News* in the late Sixties, to get it in African-American ownership hands. And WLIB the same thing. So I knew Clarence Jones very well, and Percy Sutton. Clarence Jones, as editor of the *Amsterdam News*, went up to Attica to negotiate with the prisoners inside. If you had any familiarity with prisons, in dealing with that kind of situation, it seems to me the common sense of it is to know that you had to keep talking. They weren't going to go anywhere. You had to keep talking, you had to find a way to resolve it so you could restore a sense of discipline. And when the state troopers were ordered in, 42 people were killed. It was the work of one honest man, the coroner of Rochester, New York, who when he did the autopsies saw that the hostages, the correction officers, had been killed by the state police, not by the prisoners, which they had been trying to say in Albany was otherwise. That didn't seem to stun anybody. But that's the lesson of prison relationships. The prisoners weren't going to kill those guys. The state police certainly didn't mean to, but it became a wild firing game, a wild west shoot out, and ten innocent correction officers were murdered.

JK And you had people like Herman Badillo and John Dunne, someone from the Fortune Society, everyone is up there trying to ease the situation.

vanden Heuvel Another couple of days it would have ended quietly. I always was impressed that the first person to call Rockefeller and congratulate him was Nixon. Says a lot. And you had a good commissioner of correction in the state at that time, I've forgotten his name. John Dunne was a hero. Republican legislator from Long Island. He was firm. There were a lot of unsung heroes. But it's not a field where you become a hero very easily. Prison reform doesn't make you a hero. But it makes you at least that you've participated in one of the real problems of your times, and it makes you feel as though you've participated in a problem that has a more direct impact on the quality of life in your community than many other issues.

JK Thank you very much.

William J. vanden Heuvel
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