
PUBLIC HEARING CONDUCTED

BY

GOVERNOR GEORGE E. PATAKI'S

ATTICA TASK FORCE

Public Hearing held at the Chester Carlson Building,
Rochester Institute of Technology, Rochester, New York, on
May 9 and 10, 2002.

ATTICA TASK FORCE:

GLENN GOORD, Commissioner, Department of
Correctional Services

SENATOR DALE M. VOLKER, Chairman, Codes Committee

ASSEMBLYMEMBER ARTHUR O. EVE, Deputy Speaker

ASSEMBLYMEMBER JEFFRION L. AUBRY, Chairman,
Correction Committee

REPORTED BY:

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ATTICA TASK FORCE PUBLIC HEARING

1 COMMISSIONER GOORD: Good morning. My name is
2 Glenn Goord. I am the Commissioner of State Department of
3 Correctional Services. Governor Pataki appointed me chairman
4 of the Attica Task Force. Joining me this morning are my Task
5 Force colleagues: Senator Dale Volker, to my far left, of
6 Depew, who is Chairman of the Codes Committee. And
7 Assemblyman Arthur Eve of Buffalo, who is the Deputy Speaker.
8 Joining us is Assemblyman Jeffrion Aubry of Queens, Chairman
9 of the Corrections Committee, also to my left. For each of
10 us, I welcome you to this historic proceeding.

11 For 30 years, the State of New York did not
12 hear from the employees who survived being taken hostage at
13 Attica in 1971. It denied the voice to the survivors of the
14 employees killed there also. Governor Pataki changed that
15 last year. He announced that the voice they were denied was
16 to be heard, officially and publicly. He charged this Task
17 Force with looking into the issues of concern to the Forgotten
18 Victims of Attica. Governor Pataki intends that you will be
19 forgotten no longer.

20 These hearings today represent the results of
21 three lengthy meetings. The Task Force has traveled to Attica
22 to meet with the victims in a building outside Attica's
23 perimeter. We agreed it is now time to bring our proceedings
24 before the public. Our goal is to allow each of the victims
25 to tell their stories publicly. That will include how they

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1 were treated. We do not ask them to document their
2 grievances, only to state them. We will be willing to take
3 each victim and survivor at their word. We will not
4 interrogate the victims or their survivors. We will only ask
5 questions designed to clarify any point we do not understand.
6 This forum is designed to give the victims and survivors their
7 voice. We will set no time limits on anyone's testimony. We
8 anticipate, through agreement with the Forgotten Victims, that
9 each witness will address the five areas of concern to them:
10 Compensation, counseling, a memorial service, access to
11 records and an apology. Many of the victims will be
12 testifying during these hearings, but some will not. Those
13 who prefer not to present oral testimony are more than welcome
14 to submit written statements to the Task Force. They will be
15 made as much of an official part of our record as the
16 testimony presented before us.

17 The Task Force has no preconceived notion as to
18 where we will go. We will hear from the victims and a few
19 non-members today. Then we will schedule the remaining
20 members of the victims' group. Then we will schedule the
21 non-members recommended by the Forgotten Victims whom the Task
22 Force believe can present relevant testimony. As these
23 proceedings continue, we might well seek the testimony of
24 other non-members, if we believe their testimony might be
25 relevant.

TESTIMONY OF JOHN STOCKHOLM

1 At the end of the process, the Task Force will
2 meet the Governor's mandate that we examine the five issues of
3 concern to the Forgotten Victims of Attica. We will meet the
4 Governor's expectations that we provide guidance to him and
5 the Legislature in helping them address these concerns.

6 There is no artificial deadline for the
7 conclusion of our work, only that we proceed with due
8 diligence. We intend to spend the time it takes to hear from
9 each member of the Forgotten Victims, and any non-members we
10 consider relevant, to meeting the Governor's mandate.

11 I ask that each witness give their names and
12 then spell them slowly for the benefit of our recorder. With
13 that said, I think we should begin this historic business
14 before us today.

15 John and Mary Stockholm, please.

16 (John and Mary Stockholm addressed the Panel.)

17 JOHN STOCKHOLM: Good morning. My name is
18 John Stockholm. S-T-O-C-K-H-O-L-M. I currently reside in
19 Lehigh Acres, Florida. I moved there last year, after living
20 in the shadow of Attica Correctional Facility, on Exchange
21 Street, for over 35 years.

22 On September 9th, I was a Correction Officer
23 who was later beaten and taken hostage as part of the prison
24 uprising. I worked at Attica approximately fifteen months at
25 the time of the riot. I started downstate for a short time

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1 and I did my training. I came to Attica and then went back
2 downstate for training. And I finished at Attica, where I had
3 worked for thirty-plus years, retiring in November of 2000.

4 When the riot erupted, I was returning a
5 company of inmates from the mess hall to D block. It was a
6 typical assignment. I was in charge of approximately 60 to 70
7 inmates at the time. Which at that time was not unusual,
8 because when we ran short, sometimes we would take up to 120
9 inmates to breakfast, to lunch or to dinner, whichever. At
10 that time, as I was coming through Times Square, we noticed a
11 commotion in A corridor. And that is where the problem
12 started with the inmates. And after getting through Times
13 Square, we were to take the inmates and get them into D yard.

14 At that time, Harry Whalen, Captain of D block,
15 came down. He said to me, Try to get the officers who are in
16 the yard out, get their attention and get the officers out of
17 the yard. Because everything, they were throwing rocks,
18 anything, weight bars, weights, at the officers who were in
19 A yard. So after trying to get these officers' attention,
20 which I couldn't do, I heard a racket behind me and I turned
21 around. As I turned around, I got hit in the head, I'm
22 assuming a mop handle, broom handle, something. At that
23 point, I was knocked to the ground. Later I was hit a couple
24 more times and I was knocked unconscious. When I came to,
25 approximately three to five inmates had picked me up off the

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1 corridor that was in D block and took me into the block
2 itself. I was taken and put in a cell. My shirt was taken
3 from me and I was given a gray shirt to put on. At that
4 point, I was told to hide under the bed and when things
5 quieted down, hopefully, they would get me out. Well, I heard
6 nothing. And until the next, later that day, an inmate came
7 into the cell and he took a typewriter which was in an inmate
8 locker. When he reached down and opened the locker, my head
9 and his head were approximately 18 inches apart. Fortunately,
10 he was looking in the locker, he wasn't concerned about what
11 was under the bed. And the thoughts that went through my
12 mind, I really am hard to say what they are. I mean it was,
13 fear was the biggest thing. So anyways, as time went on, I
14 just stayed there.

15 And it was the next day, the inmates who put me
16 there came back and said, We are going to cause a commotion
17 because they are looking for, going through the blocks looking
18 for you and another officer, there is two officers missing.
19 And I found out later that through the State giving a head
20 count of what was supposed to be there and what was there, did
21 not come up. They were short two officers. So I was told at
22 that time to, when the commotion started, to come out of the
23 block, or come out of the cell and stagger to the end, and we
24 will try to pick you up and get you to the yard without
25 getting beat. At approximately five to ten minutes later, a

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1 commotion was started. I came out of the cell and I was
2 amazed because there was another officer on the gally, Officer
3 Art Smith. I didn't know he was in there in the cell next to
4 me. He knew I was there, but I didn't know he was there. At
5 that point, we were blindfolded and taken to the yard.

6 Thanks to my head injuries, the mass confusion,
7 and being blindfolded, some of the following days were a blur.
8 Every day, verbal threats and taunts were hurled at us. You
9 could hear a lot of commotion going on, a lot of yelling. But
10 it was just a constant fear for your life. You did not know
11 if you were going to live or die within, at any moment, at any
12 time. And it was probably almost, quite a while before I
13 realized who happened to be sitting next to me because we were
14 constantly blindfolded. It happened to be Gary Walker,
15 Glenn Johnson, Sergeant Ed Cunningham and Lieutenant
16 Bob Curtis were in the immediate area. We had some
17 communications with each other. And it was probably the third
18 day before the blindfolds were removed partially, periodically
19 put on, taken off, put on, taken off. Any time the press or
20 something was coming in, we were blindfolded. I, at the time,
21 did not speak with anyone from the outside. Some of the press
22 did come in and some of the negotiators, I believe, did come
23 into the hostage circle. But I happened to be at the other
24 end and I was not involved with any of it.

25 The days leading up to the retaking, everything

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1 was just a blur. On Monday the 13th, everything changed. I
2 was removed from the hostage circle because an individual who
3 happened to be sitting next to me had his feet tied and mine
4 weren't tied yet. My hands were tied and I was blindfolded.
5 And so they took me instead. They led me across an area. I
6 can recall I was told to step over something, which I found
7 out later was a trench. And I was taken into a corridor and
8 taken to Times Square. From there, I was assisted up the
9 ladder and taken out on to the catwalk above Times Square.
10 And at the time I was given a chair to sit on. They wanted to
11 know if I wanted a cigarette, because it would be my last,
12 because, You are going to die like the rest of you pigs. And
13 I smoked a cigarette. And a short time later, we could hear a
14 helicopter. At that time, we were stood up, I had a sharp
15 object, I'm assuming a knife, put to my throat, and my head
16 was tilted back. And they kept turning me around so I was
17 assuming I was facing the helicopter as it went over. And
18 then it was gone. They set me back down, and it seemed like,
19 I really can't say the time, it seemed like quite a while.
20 And the next thing, you could hear a helicopter. And they got
21 us up, got me up again, my hands still tied, I was
22 blindfolded.

23 Well, at that point, they dropped the gas. And
24 the individual who had me, he was on my back, and the next
25 thing, there was no weight there. I'm assuming he was shot

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1 off my back. At that point I went, fell directly down to the
2 ground. There was, I could feel cement chips hitting me. I'm
3 assuming they were cement chips. And you could hear the, you
4 could hear the sounds and the smell of pain and death. And
5 you could hear, I can, they have haunted me for over 30 years.
6 It keeps replaying in my nightmares. I have nightmares off
7 and on.

8 The thing is that it's not only affected me,
9 it's affected my family. I didn't realize what I was doing
10 until many years later. We would go out for an evening, we'd
11 get a babysitter, we'd come home 11:30, midnight. I would
12 take the babysitter home. But I wouldn't come home, I would
13 ride. I'd be gone two or three hours. I would just ride.
14 What I was doing, I have had no idea. I was just riding.
15 Thoughts, I guess, were going through my mind, but I don't
16 know. And certain times, certain things would happen, I would
17 withdraw, I'd get very quiet. These were some of the things
18 that I was doing to my family, which I didn't realize I was
19 doing until our group got together, believe it or not. There
20 was, I never talked. My wife gave me, and my folks, my family
21 gave me a lot of support. I never sat down and talked to
22 them. My wife was there the day the State Trooper came in and
23 got a statement from me. Other than that, that's all she
24 knew. I never spoke to her about the whole thing until a few
25 years ago.

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1 If all this was not enough to deal with, I
2 learned that the State had not only considered me, a hostage
3 and a loyal employee, totally expendable, but they showed no
4 regard to my family during the days of the riot. They gave
5 them no information, no place to wait, no protection from the
6 weather or the media, and didn't let them know that I was even
7 gone and taken to the hospital. Basic human considerations
8 were totally ignored. And family members and friends waited
9 and prayed for the riot to end, and wondered if the their
10 loved ones were alive or dead. When my wife heard Tom Wicker
11 speak as a dead man, that we were all dead men, from a car
12 hood in the parking lot, she passed out. The film crew
13 happened to be right there. Fortunately, Steve Smith happened
14 to be there with his coat and he covered the camera, so it
15 gave her a chance and my family a chance to get away from the
16 situation.

17 On the morning of the assault, when I came out,
18 I came out with Ronnie Kozlowski and Arthur Smith. At the
19 time we came out, we were covered in gas. Which, I can't tell
20 you why, but for some reason it didn't affect the three of us.
21 We talked and carried on like nothing was bothering, the gas
22 was not bothering us. Well, we got into the ambulance and the
23 ambulance attendant said that Ronnie's throat was cut, which
24 at the time, he did not realize. None of us realized it.
25 Well, the attendant couldn't do anything because of the gas on

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1 our clothes. He told us where the stuff was and we put some
2 gauze on Ronnie's throat until we got to the hospital. I
3 found out at a later date, I asked my wife, How did you find
4 out that I was out? She said two people stopped, two family
5 friends stopped. One who was involved as an outsider, but yet
6 inside, The State Trooper brought him down and said I was out,
7 but didn't know where I was going, but I was okay. Then Jim
8 Hardie stopped and told my wife, John's out, I saw him, he's
9 doing good. And he left. Which, we found out later, he was
10 on his way home to tell his mother his dad was killed, but he
11 took the time to stop. That's more than anybody else did. I
12 should back up and say she did receive one phone call from the
13 father, Reverend Ranier called on Thursday night, and said
14 that I was a hostage, I was out in the yard with the other
15 hostages, and everything was fine, there would be no
16 negotiations until the next day. The only problem was, I
17 wasn't in the yard. I was still in the cell.

18 In the weeks and months and years that
19 followed, we were repeatedly disappointed and hurt by the poor
20 treatment we received. We were told to take time off after
21 the riot. But no one told us by doing so, we would forfeit
22 our rights to compensation, to sue for remedies. We did not
23 know that our paychecks were coming out of Workman's Comp and
24 the State wasn't compensating us. Other employees, which were
25 bringing home five to \$700 a week because of the overtime, we

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1 were bringing home our normal pay at that time, which was
2 approximately \$200 every two weeks. I should say it never
3 occurred to me this paycheck was in lieu of any rights that I
4 had then or in the future. It wasn't explained to us that
5 way. I had to have the paycheck in order to feed my family.
6 The State even decided that we shouldn't be paid for eight
7 hours of sleep time. We were paid eight hours regular pay,
8 and eight hours overtime. Somehow, it seemed too callous.

9 In the years that followed, the fallen
10 Corrections Officers' families and surviving officers sued the
11 State, to no avail, except for one widow. One widow was
12 compensated and the rest of us were not. The court has
13 dragged on for years. Court cases were dragged on for years.
14 I testified in front of a compensation hearing, the Grand
15 Jury, civil court. I used approximately 20 days of my
16 personal time and sick time to go through this process. I had
17 to, because I was never afforded all the time off I needed to
18 go to attend all the court dates. And after years and years
19 of fighting the battle to get some form of justice, we were
20 told we had given up our rights by taking our first biweekly
21 checks. No one told me about the Comp checks and the
22 consequences of cashing the checks. I didn't believe
23 Workman's Comp was never intended to cover injuries, physical
24 or mental, that was intentionally inflicted.

25 I was a young man when that happened. I had a

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1 wife and two small children. In Attica, the prison was the
2 main employment opportunity for me. So I went back to work.
3 I worked loyally for the State of New York for thirty-plus
4 years, just like on the day of the riot. I went to work and
5 served my State. The State repaid me for my loyalty and
6 sacrifice of physical and mental health by insulting the
7 memories of my fallen brothers, by compensating the inmates
8 that took us hostage, with no regard for their employees. I
9 feel the State owes us reparations as form of gratitude and
10 thanks for serving them over the years.

11 When the inmates were awarded the \$12 million
12 for the State's using excessive force in retaking the prison,
13 that was the final insult to injury. We got together as a
14 group and decided to speak out. And believe it or not, this
15 is the only time that I can honestly say that I have felt
16 comfortable talking and facing some of these widows. I went
17 to the funeral of William Quinn with my wife. As we came
18 through the door, I was about two steps behind my wife.
19 Nancy, first thing she said to Mary was, How is John. And I
20 looked at her and I couldn't face her. I left. How was I the
21 lucky one to survive, when he died along with so many others?
22 I can't speak for anybody else, but there was times I would
23 see Mrs. Monteleone in the grocery store, I would go to
24 another aisle so I wouldn't have to face her or the family;
25 the same with a lot of other families. And the big question

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1 was, Why me? Why was I the lucky one to survive, and yet,
2 they were not? My kids have grown up, played sports with
3 these children. And to this day, I still say, why? Since
4 this group got together, this is the first time that I felt
5 comfortable to talk to a lot of these widows and a lot of
6 their children.

7 And when our story came to light, the public
8 showed outrage and disgust to the way we were treated. It
9 seems to be a common assumption that if you do the right thing
10 and lay your life on the line, you deserve at least a little
11 respect for your sacrifice. There was never any admitting
12 wrongdoing for the killing or the maiming of its own people,
13 even after their investigation proved that they had been
14 wrong, the manner in which it was retaken. The men that beat
15 us and took us hostage, and killed William Quinn, were
16 rewarded. They were suffered at the State's hand.

17 I don't have any memory of signing a paper where I
18 was to expect that my employer might kill me or consider me
19 disposable. The nightmare has dragged on for more than 30
20 years now. The ghost of Attica is still with me every day.
21 They say time heals all wounds. They still haven't healed
22 all. I still dream of what happened, fear of those who still
23 work there, wonder how our lives might have been different,
24 question how this has affected my loved ones, and pray that
25 some day I will be able to forget those days in the yard. I

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1 believe the lack of closure in this prevents us from actually
2 putting it behind us. I still feel like we were insulted by
3 how we were and still are treated. Please help us find the
4 proper closure on the horrible blemish on American history.
5 Show us that our lives were worth something to the State we
6 loyally served.

7 COMMISSIONER GOORD: Thank you.

8 JOHN STOCKHOLM: Thank you.

9 MARY STOCKHOLM: My name is Mary Stockholm,
10 S-T-O-C-K-H-O-L-M. My husband John was a Correction Officer
11 for nearly 30 years. We currently live in Lehigh, Florida.

12 On September the 9th, 1971, we resided on
13 Exchange Street in the village of Attica, less than a half a
14 mile from Attica prison. We were both 24 years of age, and
15 had two small children. John had only worked for the
16 Department of Correction for 15 months. He had only worked
17 the day shift for three months.

18 I first became aware of trouble at the prison
19 about 8:50 a.m. I heard sirens and the fire whistle was
20 blowing continuously. Soon, ambulances from all over the
21 county were flying past. State Police and sheriff came one
22 after another. And word spread that there a full scale riot
23 in progress. Then the ambulances bringing out the first
24 injured officers came by. One was identified as Paul
25 Rosecrans, and I knew he worked with John every day in keep

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1 lock. And I feared for John's safety at this point. Later in
2 the day, a road block was set up across the street from our
3 home and remained until about September 14th.

4 The sights and sounds of the next four days
5 were terrifying to myself and my children. We could see the
6 smoke and hear the chants and the yelling of the rioting
7 inmates. About 11:30 that Thursday night, a call came from
8 the prison chaplain. He informed me John was a hostage and he
9 was taken into the yard, and there would be no negotiations
10 until morning. Early Friday morning, news reports surfaced
11 that two hostages were released. A friend went to the prison
12 to find out first hand. The report proved to be untrue. He
13 came back with disturbing news. Art Smith and John had been
14 found hiding and were now in D yard. The State had given a
15 count to the inmates of the number of hostages missing. They
16 were two officers short, that was John and Art Smith. Then
17 they were led to D block and put with the other hostages and
18 that's where they remained until Monday the 13th. I feared
19 what the inmates would do after they found that he had been
20 hidden. Later that day, a list of the hostages' names were
21 released and inmate demands were stated. An endless stream of
22 trooper cars and sirens, endless sirens.

23 Saturday, still no progress. Then Saturday
24 evening, word came of Officer Quinn's death. A wave of horror
25 came over me. How could this happen? What would Nancy and

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1 her little girls do? And now the inmates had nothing to lose.
2 Sunday, the situation grew more bleak. The weather changed
3 and it seemed there was no end in sight. A bus load of
4 inmates sympathizers were turned away at the road block near
5 our house. Angry words were exchanged. It was very
6 frightening for my children to see. Sunday evening was the
7 only time that I went to the front of the prison. I arrived
8 in time to hear Tom Wicker say they were all going to be dead
9 men. Until this point, I had believed this would end
10 peacefully. I still hear his words. After another sleepless
11 night, Monday morning was cold, rainy and foggy. Word spread,
12 something soon would take place. I felt a helicopter hovering
13 over our house. Even today, the sounds of a helicopter can
14 bring it all back. We could hear them say, Put your hands
15 over your head and you will not be harmed.

16 I learned from a family friend, John was out
17 and was taken to the hospital. That person didn't know where
18 or what condition he was in. So I waited. I waited for a
19 call, no call came. So I began calling local hospitals. They
20 would not give out any names or information. Still I waited.
21 Finally, a family friend, a nurse, called and said he was
22 taken to Warsaw. Upon arriving, we found John in the eye
23 clinic. His eyes were black, his face was beaten. He had a
24 large cut over his eye and a gash over his head. He was
25 suffering from the effects of the CS gas. His eye could not

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1 be stitched, as too many days had passed. He still has the
2 large scar over his eye today. He came home that afternoon,
3 confused and dazed.

4 He still had no information on the status of
5 the other hostages. Upon hearing the news ten hostages had
6 died and several others injured, his grief was overwhelming.
7 John has always felt guilty for his life being spared when
8 others next to him on the catwalk were killed. The press
9 hounded us for interviews and statements. The news then came
10 that the hostages were killed of slit throats. This also was
11 proven untrue. They all died of gunshot wounds. In the days
12 to follow, the grieving went on; the funerals, one after
13 another. And soon Harrison Whalen died of his injuries. Mike
14 Smith lie in the hospital suffering for months.

15 No one ever called from the State to say, If
16 you need some help dealing with this, counseling would be
17 provided. We were never advised that receiving your regular
18 biweekly check, we were accepting Compensation. And this
19 would later be the reason that the lawsuit would be dismissed.
20 Compensation was never set up for injury or death caused
21 solely by your employer, it was meant to help people who were
22 injured on the job. These men went to work and they were
23 physically beaten, mentally abused and shot to death. No one
24 has adequately been compensated, except for Linda Jones. She
25 was able to sue the State successfully by not cashing her

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1 check. The other widows were not afforded that luxury. Even
2 the inmates were compensated for the physical damage that was
3 inflicted upon them. I did not know how to deal with my
4 husband's mood swings, the night sweats and, worst of all, the
5 silence. At the age of 24, we were expected to get over it,
6 to get on with our lives; which we did, although the events of
7 Attica are just under the surface, waiting to surface with a
8 sound or a date.

9 Knowing these widows and children have suffered
10 over the years is a heartbreaking experience. The hostages
11 have suffered for over 30 and-a-half years. It is time for
12 the State to recognize and admit responsibility for these
13 events of September 13th, 1971. I feel at this point all the
14 families need monetary compensation for these life shattering
15 events. My husband retired from the Department of Correction
16 in 2000, after working 31 years. He was a good, fair officer.
17 He was a faithful State employee. Please help all of us come
18 to some closure of these horrific events. Thank you.

19 COMMISSIONER GOORD: Thank you very much. Does
20 anybody have any questions?

21 ASSEMBLYMEMBER AUBRY: No.

22 DEPUTY SPEAKER EVE: No.

23 SENATOR VOLKER: No.

24 COMMISSIONER GOORD: Thank you very, very much.

25 June Fargo and Cindy Mellen.

TESTIMONY OF JUNE FARGO

1 (June Fargo and Cindy Mellen addressed the Panel.)

2 JUNE FARGO: My name is June Fargo. F-A-R-G-O.
3 And I live in Victor, New York. My husband, Richard Fargo,
4 was a hostage in the riot in Attica in September 1971.
5 Richard survived the hostage situation physically, but not
6 emotionally. And I am here because he felt betrayed by the
7 State of New York.

8 When he was taken hostage, he was forced to
9 strip, leaving his underwear, shoes and socks. He even lost
10 his watch. He was beaten about the head with a club, a shovel
11 and a hammer. If the shovel had not hit his head broad side,
12 he probably would have been killed. He also had bits of
13 broken glass in his eyes, since he was trying to hold a door
14 shut when the glass in it was shattered by the rampaging
15 inmates. He endured the glass in his eyes with a blindfold on
16 for most of the five days. The blows to the head caused him
17 to have headaches, sometimes severe, for several years.

18 Richard worked at Attica prison from 1949 to
19 September 1971. He did not return after the riot. During the
20 six months that the Department of Corrections said he could
21 have to recover, he suffered a heart condition and I urged him
22 to retire. With his World War II service and the time he
23 worked at the Buffalo Psychiatric Center, he had earned enough
24 time to receive a small pension, less than \$500 a month.

25 When the riot broke out on September 9th, I was

TESTIMONY OF JUNE FARGO

1 busy at the Attica Elementary School with a brand new
2 kindergarten class. My principal, Robert Jagers, came to
3 tell me there was trouble at the prison and would I like to go
4 home. I had opted to stay. I didn't really know or realize
5 how serious the trouble was, because I could not hear the
6 sirens passing by the school and through the village. Later
7 that day, Mr. Jagers took me to the prison to see if we could
8 find out anything about Richard and what was going on. We
9 found out nothing. About eleven o'clock that night, I had a
10 phone call from Reverend Ranier, the prison chaplain, telling
11 me that Richard was a hostage and that he was all right. The
12 news I received for the rest of the time came from the
13 newspaper and the television. Because I lived close to the
14 prison, as a crow flies, I could lie in my bed at night and
15 hear the yelling and chanting going on in the prison yard. It
16 was chilling. Reverend Ranier called me each evening to offer
17 me reassurance.

18 On the morning of the 13th, two of our friends
19 came to our house to tell me there was shooting going on at
20 the prison. And they took me to the prison to see if we could
21 find out anything. After the shooting stopped, tear gas was
22 so bad we couldn't stay. We went back to the house and
23 waited. I did get a phone call from Nancy, to tell me Richard
24 was out, on his way to St. Jerome Hospital. He had held
25 Fred Miller's head in a towel all the way to the hospital,

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1 because Fred's head was so badly beaten and broken that Fred's
2 brain could be seen, and he needed some support from the bumpy
3 ride. Virginia Thompson, a nurse on duty at St. Jerome,
4 called me to the hospital to tell me Richard had arrived and
5 that he was okay. Virginia's husband rode to work with my
6 husband everyday. I called the school so they could let my
7 children know that their dad was out and okay. And then I
8 picked up my father-in-law, a retired Correction Officer, and
9 we went to Batavia to get Richard.

10 We really didn't know what to expect when we
11 got to the hospital, but Richard had had a shower and x-rays
12 on his head. He never quite believed that the x-rays showed
13 no fractured skull. How could it be? He definitely had a
14 concussion. We believe that his lingering respiratory
15 difficulty was due to the reaction of the tear gases. He
16 later told me that during the State Police take over, that a
17 trooper pointed his gun at him until someone convinced him
18 that he was a Correction Officer. There really shouldn't have
19 been a doubt, because he had a blindfold. All the hostages
20 had blindfolds.

21 Several days after the ending of the riots, we
22 were called to a meeting at the Presbyterian Church with other
23 hostages, at which time Commissioner Oswald told the men not
24 to worry, to take six months off. And they were also told not
25 to talk about what had happened. At no time were we told that

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1 accepting the paycheck, they were also accepting Workman's
2 Compensation as part of that pay. We were never told that
3 there was a choice to be made between accepting the pay and
4 suing the State. We learned about the Workman's Compensation
5 many months later.

6 We filed suit against the State and there were
7 many hearings. I don't know how many, because I couldn't
8 always go. I remember one very vividly, at which the State's
9 lawyer was extremely rude. His questions that had absolutely
10 nothing to do with the case, in my opinion. If he had been in
11 my home or my classroom, I would not have stood for his
12 insolence. It was unacceptable behavior.

13 Richard had long-term physical and emotional
14 effects from being held hostage. He took heart and diabetic
15 medicine for 20 years. He had bouts of aggression and anger,
16 and nightmares. He would wake up in the middle of the night
17 with severe chest pains. My calming hands helped him relax.
18 He tried very hard to put the whole ordeal behind him and he
19 drank too much to do that. Our family lost a happy father and
20 a husband. He was able to find a low-paying job, which I
21 applauded because we had three children in college. There
22 were times when I had to be away from home for an evening, or
23 when I was teaching. I never knew what I would find when I
24 got home. I literally shook. And I am surprised that I was
25 able to drive to arrive home safely. Our quality of life was

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1 severely impaired. We couldn't go into crowds, he was always
2 looking behind him. Panic attacks set in when helicopters
3 flew over our house, which happened frequently. We were often
4 the subject of ridicule whenever we went somewhere and the
5 Attica label was noticed on the back of our car. To this day,
6 I don't like to tell people where I used to live or work. Our
7 life was governed by Richard's moods. Plans were always last
8 minute.

9 My children had varying reactions to the riot
10 in the years following. One daughter was especially scarred
11 by it and still needs counseling. The rest of us have tried
12 to put it behind us, as did Richard. But he died, still
13 needing counseling, on May 29th, 1992. He never got over the
14 fact that his employer could treat him and fellow hostages and
15 widows and survivors so badly.

16 There has been no justice. Even though I know
17 the Task Force were not responsible for what happened at the
18 prison in 1971, I still feel that an apology should be
19 forthcoming from the State of New York. I also don't
20 understand why it has to be a capital case for our group to
21 get permission every year for a memorial service, every year,
22 in the front of the prison. After all, our hostages worked
23 there. They were trustworthy then. Why aren't we now? Our
24 taxes are involved here, aren't they? I am particularly
25 interested in survivors who need or want counseling, to have

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1 it, by a reputable counselor, no matter what state they live
2 in or what it cost, paid by New York State.

3 Many people moved from Attica because they
4 needed to get away from the ordeal they had been through.
5 Richard used to say he'd been through World War III. Even
6 though many records were destroyed, I feel that those who want
7 to see what records may be left should be allowed to do so.
8 They have a need which should be fulfilled.

9 As for compensation, if I feel the widows are
10 deserving of at least as much as Linda Jones received, with
11 interest, tax free. I myself would like to be able to give my
12 children what they did not get from us towards their college
13 education, because we had a very limited income. I would also
14 like my six children to have a nest egg towards their
15 children's education. I would also like to be able to afford
16 some long-term-care health insurance, so I don't have to be a
17 burden to my children, and an award of \$500,000 per family, be
18 awarded to all survivors and their families.

19 I would like to read my daughter Susan's
20 testimony, if I may.

21 COMMISSIONER GOORD: Of course.

22 JUNE FARGO: Susan lives in Michigan.

23 (June Fargo reads the written statement of Susan Fargo
24 Parmelee into the record.)

25 The following is the testimony of

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WRITTEN STATEMENT OF SUSAN FARGO PARMELEE

1 Susan Fargo Parmelee, given in regards to the
2 riot of Attica Correctional Facility, September
3 1971. My father was Correction Officer Richard
4 Fargo. At the time of the riot, I was a junior
5 in high school. My recollection of that time is
6 one of confusion, disbelief and fear. I did not
7 know until after I got home from school what had
8 happened, and the fact that my father was being
9 held hostage. While I did not understand the
10 reasons for the inmates' actions, I was sure my
11 dad would be all right because he was an
12 honorable man who treated people with respect.
13 Surely, he was taken by mistake.

14 I was in school at the time of the
15 retaking of the facility. Upon arriving home in
16 the afternoon, I was allowed some private time
17 with my dad by the reporter who was there
18 interviewing him. The man who greeted me looked
19 like my father but very tired, almost in shock.
20 He looked like the pictures of men in a war zone.
21 I had a few recollections of him describing what
22 he saw while being held, such as when he saw some
23 men digging in the yard and burying metal objects
24 in the hole. I know my dad felt compelled to
25 return to the prison on September 14th to point

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1 out where he remembered these objects being
2 buried, because he thought they looked like land
3 mines and didn't want anyone hurt, should that be
4 what they were.

5 September 14th was the last day my dad
6 went back inside the prison because he began
7 having chest pains shortly after that, and just
8 thought of going back made them worse. Had there
9 been counseling services offered at the time, I'm
10 sure my dad would have benefited from them.
11 Since there weren't any, however, life at our
12 house would never be the same again. My dad
13 started drinking alcohol quite heavily and this
14 had a lot of negative effects on the rest of the
15 family. He could become very angry very quickly,
16 or very emotional, crying, choked up, shaking,
17 volatile. I never knew which father I would be
18 coming home to. As a consequence, bringing home
19 friends from school didn't happen too often,
20 because I didn't like dad to embarrass himself or
21 me. The excessive drinking also began to affect
22 his health. I am quite certain that because of
23 health complications brought on by his drinking,
24 dad passed away years before he should have.

25 Obviously, I feel counseling is important.

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1 For years I have been dealing with the effects of
2 clinical depression. Many of the causes of the
3 depression began after the riot and the effect
4 that it had on my dad and, eventually, on me, a
5 peace maker of the family.

6 Remuneration by the State of New York for
7 the pain and suffering caused by the riot can
8 never compensate for the loss of my dad. But if
9 inmates can receive such a payment, then
10 shouldn't the employees and/or their families?
11 It won't bring back my dad, but it will help the
12 healing process. Admission by the State of New
13 York for the use of excessive force would also
14 help the healing process. My dad, 20 years after
15 the riot, he was still terrified by the sounds of
16 the helicopter flying overhead until he could see
17 them, and loud percussive sounds, gunfire, car
18 backfires.

19 I know that we were lucky in that our dad
20 came out the retaking of the prison alive.
21 However, I also know that the man who came out
22 was not the same man who had gone to work on
23 September 9th. What changed him the most was not
24 being held hostage. It was how he was treated by
25 people in charge of the prison system. All his

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TESTIMONY OF CINDY MELLEN

1 life, my dad played by the rules. He felt deeply
2 betrayed by the State for using the Workman's
3 Compensation payments as a way to get out of any
4 further compensation. Thank you for listening to
5 me.

6 COMMISSIONER GOORD: Thank you.

7 CINDY MELLEN: My name is Cindy Fargo Mellen.
8 M-E-L-L-E-N. I'm the oldest daughter of Richard Fargo, who
9 was held hostage for the four days of the Attica riots.

10 Until 1971, I was a lifelong resident of
11 Attica. It was a nice place to grow up, with good schools and
12 caring neighbors. In June that year, I graduated from Attica
13 High School. During that summer, I remember vividly that my
14 dad often came home from work exhausted and said to us, Here
15 is your poor old dad, home from a hard day at the office.
16 Little did we know how hard it would be become. During that
17 summer there were several times when I needed the car to get
18 to my summer job. On those days I would drive dad to work.
19 On several occasions we stopped to give a coworker a ride, a
20 nice young man named Billy Quinn. I never imagined that these
21 two men would, together, become part of the history of a
22 tragic event known around the world.

23 In September 1971 I was in the first weeks of
24 my freshman year at SUNY College of Fredonia. Around campus
25 that Thursday, I heard that something was going on at Attica

TESTIMONY OF CINDY MELLEN

1 prison. I raced back to the dorm to try to catch the noon
2 news on TV, not much information was available then. But by
3 the evening news, it was the lead story on the national
4 networks. I was amazed and concerned, but never considered
5 the possibility that my dad was involved. All evening I tried
6 to call home to see what my family knew. Each time I called,
7 the line was busy. I continued to call every few minutes
8 until it was after midnight. I couldn't imagine that my mom
9 would still be on the phone so late. In tears, I finally
10 called the operator and told her my worries, hoping she could
11 cut in. She kindly told me that the busy signal I heard was
12 not my home phone, but that all phone lines into the town were
13 in use. She was able to get me through to my family. Only
14 then did I learn that my dad was being held hostage.

15 On Friday, I heard from several people: A
16 cousin who was also a student, a pastor at the local church,
17 some of my Attica classmates who were also attending Fredonia.
18 There were offers to take me home for the weekend, but I was
19 overwhelmed with studies and did not feel there was much I
20 could do at home, so I stayed school. In my small-town-girl
21 naivete, I never considered the possibility of a tragic
22 ending. My dad would be okay. That was the case until
23 Saturday, when I learned that Billy Quinn died of massive head
24 injuries from the beating he received at the hands of the
25 inmates. I couldn't believe it. The nice young man I drove

TESTIMONY OF CINDY MELLEN

1 to work, father of two small girls, killed by the rampaging
2 prisoners. I knew this would change the possible outcome of
3 the riot. Sunday went by. I spent a lot of time checking the
4 TV news. Monday came, cold, rainy, dreary. We heard on
5 campus that the State Police went in to retake the prison. I
6 was relieved. My dad would be rescued. But I couldn't have
7 imagined the manner in which this happened. In the end, ten
8 of my neighbors and town people were killed by the gunfire,
9 many other injured. I did not know many of those who lost
10 their lives, but I did know Mr. John Monteleone. One of his
11 daughters was a classmate and friend. We were in Girl Scouts
12 together for years and often Mr. Monteleone would pick me up
13 on the way to a meeting. He was a kind man and very caring
14 father. How could he be gone? Five children were left
15 without a father.

16 At long last, I got the call. My dad called me
17 to say he was home from the hospital. He had a couple knife
18 scrapes on his back, a bullet grazed his finger and he still
19 had a concussion from the hammer, shovel and baseball bat hits
20 to his head that he had taken on Thursday. He sounded all
21 right, a bit shaken, but said he had been interviewed by a
22 network reporter. I was so relieved to hear his voice and to
23 know the ordeal was over. It really was only beginning.

24 My dad was a big guy, six foot tall, broad
25 shouldered, a little on the chunky side. He looked the part

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1 of a prison guard. In reality, he was a big teddy bear, a
2 gentle giant. He was sensitive and caring, a loyal husband
3 and involved father before it was fashionable or expected. He
4 was a man of honor and integrity, a patriot, a good citizen,
5 and proud of his family. He went to work at Attica because he
6 wanted to contribute to society by teaching the prisoners, by
7 his example, how to get along in the world, how to make it on
8 the outside. He thought he could do some good there.

9 The events of September 9th through 13th in
10 1971 shattered his life. For four days he sat in the yard --
11 camping with the boys is how he referred to it -- not knowing
12 if he would live to see his family again, a wife of 22 years
13 and three children, aged 18, 16 and 12. He was stripped,
14 blindfolded and huddled with the other hostages in the center
15 of an angry crowd of convicted criminals. He expected that he
16 would die there at 47 years of age, now knowing how or when it
17 would be.

18 After the riot was over, he was sent home for
19 six months of recuperation. He was heartbroken. The violence
20 of the riot, the hurt that one man could inflict on another,
21 the insanity of the shooting during the retaking, and the
22 death of family and friends. There is a quote on the monument
23 to the slain hostages by the front gate of the prison that
24 could have been written by dad. It says, Man's inhumanity to
25 man makes countless thousands mourn. In the months after the

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1 riot he also suffered a heart attack, a mild one that gave him
2 chest pain in the night. He was diagnosed with angina and
3 treated with nitroglycerin. Fifteen years later, an EKG
4 revealed the damage to the muscle had been caused by the heart
5 attack years earlier.

6 After the riot, he was a changed man. His
7 gentleness was replaced by a short temper, easy to anger, slow
8 to cool off. He seemed always on edge, impatient,
9 opinionated. He was uncomfortable in crowds. He drank a
10 cocktail every evening, and several beers on the weekends. We
11 learned later that these were all symptoms of post-traumatic
12 stress disorder. It was not so well recognized in 1971, but
13 by the time the Vietnam war ended, there was much about it in
14 the press. No help for the hostages was ever offered. In
15 fact, the hostages were all told to go home after the riot and
16 not talk about it, not to discuss their ordeal. Later on, in
17 the '80s, so-called psychological evaluations were done. Dad
18 spoke to the expert for five minutes and he was told he was
19 fine. How could anyone who goes through a riot, see what he
20 saw, live in fear of a violent death, hear a barrage of
21 gunfire, hold the cracked skull of his friend on the way to
22 the hospital, and be fine?

23 He never went back to work as he had first
24 intended to, as he had three kids to put through college. But
25 he decided he couldn't do it. And with Mom's encouragement,

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1 he retired after the riot. He worked at small jobs for the
2 rest of his career and retired as health waned. He was unable
3 to travel and enjoy retirement due to poor health. He died of
4 congestive heart failure, exacerbated by the heart attack and
5 alcohol use, at the age of 67, 20 years after the riot, still
6 a heartbroken man.

7 The Forgotten Victims of Attica have come
8 together, 29 years after the riot, to try to help each other
9 heal the wounds of our common experience. In the last two
10 years, we have been through much sorrow, tears, hugging and
11 caring for each other. Fifty families that hardly knew each
12 other all these years. We have put forth our five points of
13 resolution by the State of New York. Certainly, these five
14 issues need to be addressed before another day, month or year
15 goes by. Number one, New York State needs to acknowledge
16 responsibility for the acts taken in September 1971 that
17 resulted in the death and injury to its employees, and
18 apologize for those actions. Number two, Whatever records
19 that exist in the State's possession that could bring closure
20 to the families of deceased hostages, such as autopsy reports
21 and investigations of cause of death, reasons for exhuming the
22 bodies after the funeral, they must be provided to the
23 families and opened to the public so that history can be
24 accurately recorded. Number 3, Cost of counseling for all
25 hostages and their family members should be borne by the

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1 State. This service should have been available 30 years ago
2 and it is still imperative today. Number four, The right to
3 honor our lost husbands, fathers, brothers, uncles, nephews
4 and friends with a memorial service at the monument at Attica
5 must be preserved forever. Compensation for those who died
6 and survived the riot must be provided. The widows and their
7 heirs should receive an award equal to that of Linda Jones,
8 tax free and with interest. Surviving hostages should be
9 awarded a minimum of \$100,000 for each day they were held
10 hostage, the average award being \$400,000, tax free, plus
11 interest.

12 I urge you, the Governor's Task Force, to take
13 action this year to bring closure to those good people of
14 New York who have suffered for 31 years since this tragic
15 event. The only thing our family members did on
16 September 9th, 1971, was to go to work to support their
17 families, and do an important job for the State of New York.
18 They deserve the respect of the government they served, then
19 and now. Thank you.

20 I also have testimony from my brother
21 Thomas Fargo, who lives in New Hampshire.

22 COMMISSIONER GOORD: Do you want to read it or
23 just give it?

24 CINDY MELLEN: I would like to read it, please.

25 (Cindy Mellen reads the written statement of

WRITTEN STATEMENT OF THOMAS FARGO

1 Thomas Fargo into the record.)

2 An introspective statement. As an
3 introduction to my testimony, I would like to
4 express my views relating to the causes of the
5 1971 Attica prison riot. My views in this matter
6 were strongly shaped by the opinions and
7 observations of my father. I'm sure that if he
8 were still alive, he would have taken this
9 opportunity to express similar sentiments to the
10 Task Force.

11 The world that present and former Attica
12 residents now live in was very much different
13 from the world that existed before September
14 1971. The national struggles for racial equality
15 and protests against the war in Vietnam were
16 creating rapid changes in American Society in the
17 late 1960s. Those changes fell hard upon the
18 Attica community in the fall of 1971.

19 My father suggested, and I strongly
20 believe that he is right, that the primary cause
21 of the Attica prison riot was change in
22 backgrounds of the inmates who were sent there.
23 Prior to the mid-'60, the value system of the
24 Attica prison population were similar to that of
25 the prison guards. As my father stated, inmate

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1 old timers generally recognized that they were
2 incarcerated because they had committed a crime,
3 had make a mistake, and were obligated in some
4 way to make amends. This value system was
5 compatible with those of the prison guards, who
6 needed to relate to a company of 40 men under
7 their direct supervision. In the late 1960s,
8 inmates with a new value system started to arrive
9 in large numbers in rural Attica. These inmates
10 were shaped by their poor, underprivileged,
11 inner-city environment; and happened to be, in
12 large part, black and Hispanic. These people
13 were from a world where, if you felt you were
14 entitled to something, you demanded it. If you
15 didn't get it, you protested. If your protests
16 went unheeded, violence and uncivil acts were
17 somehow justified as a means to achieve the
18 gratification you sought. A third world kind of
19 mentality existed among many of the inmates, who
20 felt that if they could steal from you, if they
21 could take your life, it was your fault. When
22 these people arrived at Attica, they continued
23 the protests, insisting that they were political
24 prisoners, fighting an unjust, oppressive system,
25 insisting that society had forced them to throw a

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1 brick through a store front window to steal a
2 television, because society said that they needed
3 it. Although society now recognizes such
4 attitudes as not being aberrant, unfortunately,
5 these ideas were frightening to my father, who
6 saw clearly defined lines between right and
7 wrong.

8 The end result was that Attica prison
9 guards had difficulty relating to the inmate
10 population, and tension increased behind the
11 walls. During the two- or three-year period
12 before the riot, I remember my father coming home
13 from work in what I now recognize as a highly
14 stressed state. The local Department of
15 Corrections management was not providing my
16 father with the tools and training that he needed
17 to adjust to the changes occurring within the
18 prison's inmate population. In fact, in
19 hindsight, one change made by the DOC exacerbated
20 the tension between the inmates and the guards.
21 This was a decision to rotate the guards' service
22 days, which started sometime in the late '60s or
23 early '70s. My father stated that prior to
24 rotating days, when he had a specific assigned
25 company, he could tell if there was something

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1 wrong among his men. If one of them got a Dear
2 John letter, he could counsel him and help him
3 work through the difficult time. If there was
4 someone in his company who was not getting with
5 the program, my father could have a word with one
6 or two leaders within the inmate company, and the
7 problem would be resolved. My father was a
8 professional. He was a social worker, working
9 with people that many in society had giving up
10 on. Rotating days made his work more difficult,
11 and I could see that when he got home.

12 It was suggested that the riot started as
13 spontaneous act. My father stated that others
14 inside had found evidence indicating it was
15 pre-planned. Regardless, it was clear the DOC
16 administration couldn't respond to the warning
17 signs, that management was not taking the input
18 from the front line guards, the DOC
19 administration, both in Albany and Attica, were
20 inadequately prepared to avoid the massive
21 insurrection. And Correction Officers in Attica
22 were prevented from responding deliberately when
23 the riot broke out. It is my opinion, inherited
24 in some measure from my father, that the decision
25 of the Albany DOC administrators to manage the

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1 situation ultimately led to the high riot death
2 toll.

3 Personal experiences. When the riot broke
4 out on September 9th, 1971, I was in my first
5 week of school in the seventh grade. Everyone
6 who lived in Attica was familiar with hearing the
7 prison alarm whistle blow when an inmate would
8 walk away from the prison farm. Prison property
9 abutted the Attica middle and high school
10 grounds, across a set of railroad tracks. In
11 school we could hear the prison whistle blow.
12 This was not unusual. However, on September 9th
13 the whistle continued to blow for what seemed
14 like hours. We all knew something was wrong.
15 From school we could see smoke coming from
16 buildings burning behind the walls. Gradually,
17 there was a realization that a riot was underway.
18 The village's volunteer fire trucks and crews
19 responded to the back gate and they drove past
20 the school to get there. We also knew a massive
21 break out was possible. The prison's front gate
22 was small and easily controlled. We also knew
23 that there was a back gate, and north side gate
24 big enough to pass a railroad car. The side gate
25 opened up to a wooded area behind the school. I

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1 recall that all outside activities, such as gym
2 class and after school sports, were cancelled.
3 And we might have been sent home early on the
4 first day of the riot.

5 Initially, among the guards' families, no
6 one knew who was taken hostage, or whether our
7 husbands and fathers were just lying low and
8 couldn't get out of hiding, or just couldn't get
9 to a working phone. At that time it was not
10 unusual to have little electronic communication
11 from inside the prison. On the evening of the
12 first day, September 9th, our neighbor, Paul
13 Rosecrans, who I believe was taken hostage for
14 only a short period, stopped by our house. I
15 believe Paul said that he thought my father was
16 not one of the hostages. It was only later, when
17 television news cameras were allowed inside, that
18 we had confirmation that my father was, indeed, a
19 hostage. We later learned that he was presented
20 in front of the TV news crew because he did not
21 appear to have been beaten.

22 Mom tried to keep things as normal as
23 possible around the house over the weekend. The
24 house was busy with people stopping by to offer
25 support. Several brought food that was

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1 appreciated. My oldest sister, Cindy, had just
2 entered college and was away in Fredonia. My
3 other sister, Sue, was home. She was in eleventh
4 grade. We were dependant on the news for
5 virtually all information from inside. We
6 listened to the negotiations on both the radio
7 and TV. Occasionally, we could here audible
8 shouting over the prison walls. We worried a
9 lot.

10 During the riot, things were very
11 confusing for me. I recall that I tried not to
12 think too deeply about anything. Strange
13 thoughts stick in my head to this day, such as,
14 one inmate demand was for religious freedom. Why
15 did they burn down the prison chapel? As a
16 twelve-year old, I had very little experience
17 dealing with overtly irrational thought.

18 When it was announced that Bill Quinn had
19 died as a result of injuries he suffered during
20 the uprising, we all started to prepare
21 emotionally for a forceful retaking. Sunday
22 night, September 12th, was rainy and cold. As I
23 was laying in my dry, warm bed, only a short
24 distance from D yard -- I could see the prison
25 from the end of my street -- I thought of my

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1 father sleeping on the wet ground, and how
2 uncomfortable he must have been.

3 Monday, September 13th, started cold and
4 wet. My sister Sue and I went to school, since
5 there wasn't any other better place to be. The
6 Board of Education apparently did not have the
7 latitude to cancel school. I think one of my
8 first classes that day was shop class. I
9 remember being in the wood shop or the cafeteria,
10 both had doorways that opened on the parking
11 area. Army helicopters repeatedly flew circles
12 over the school. The noise of the helicopters
13 was amplified within the small courtyard. We all
14 knew that the retaking operation was imminent.
15 The theory as to why the helicopters continued to
16 fly over the school was because they were too
17 heavy to hover. They were supposedly filled with
18 water to drop on any fires in D yard. The sound
19 of the helicopters was unnerving. My father
20 suffered from post-traumatic flashbacks for years
21 whenever an Army Reserve UH-1 would fly over our
22 house. I can't remember hearing any gunshots
23 from school. I went to seventh grade English
24 class later in the morning. My English class was
25 held in a classroom that looked out on Route 238,

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1 the highway leading to the back entrance of the
2 prison. About halfway through class, a motorcade
3 of ambulances, both Army Jeeps and civilian
4 ambulances of all descriptions, started to pass
5 the window on the way to the hospital in Batavia.
6 I was surprised to see the windows of the
7 ambulances were taped up with white medical
8 adhesive tape. I didn't know why. One thought
9 was that they were taped as a means to reinforce
10 them from breakage. I know now that the tape was
11 likely applied to obscure the view of prying eyes
12 of onlookers and news cameras. Was the cover up
13 started even before the DOC completed the
14 retaking?

15 A little while later, the intercom in my
16 classroom buzzed. Mrs. Goodhue answered and then
17 asked me to go to the office. The middle school
18 principal, Mr. Southard, met me about halfway
19 down the hallway and told me my father was out
20 and safe, although he was in the hospital for
21 some treatment and evaluation. I was elated. I
22 think he asked what I wanted to do. Not having
23 anywhere else to go, I went back to class.
24 Mrs. Goodhue asked if I had good news, I replied
25 yes, and then I thought of the other kids in

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1 school who were not as fortunate as me.

2 Dad was home when school let out. I was
3 very happy to see him. His voice was strangely
4 weak, due to the exposure to the gas that the
5 State had used during the retaking. Dad said
6 that the gas caused him to have heavy sinus
7 drainage for a long time after the riot. I
8 remember that the smell of the gas would
9 periodically settle on our neighborhood during
10 the evening of September 13th.

11 CBS News called in the afternoon to see if
12 my father would appear on camera. I am sure that
13 father's first thought was, Would it be all right
14 with the DOC. Dad agreed to an interview with
15 Ike Papas that was conducted on our back porch.
16 I was asked what I felt during and after the
17 riot. My response didn't make the news.

18 Dad went to the prison the next day to
19 point out where he thought some inmates buried
20 some booby traps, make-shift land mines. I think
21 it was at this time that his superiors told him
22 to take some time off, not to worry about coming
23 back to work, and that he would be taken care of.
24 He might have signed the waiver at this time
25 also.

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1 The funerals were held during the day.
2 Most of the children who were not directly
3 involved, like myself, continued to go to school.
4 Some families took impromptu vacations
5 immediately after the riot. Everyone in school
6 knew at least one of the kids who lost a father.

7 The community of Attica immediately
8 started to experience a lot of negative press and
9 hard feelings. Dad put an extension on our
10 flagpole so he could display the flag at half
11 staff. While we were away one day, someone stole
12 the flag and broke the flagpole in the process.
13 My father was interviewed by a local TV news crew
14 shortly thereafter, and our broken flagpole was
15 shown on TV.

16 During this time, the controversy was
17 raging regarding how the inmates and hostages
18 were killed. I recall the headlines proclaiming
19 that no throats were cut. I knew that that was a
20 lie. My father's September 9th interview with
21 Ike Papas was re-aired out of context to support
22 the two-day-old spin that was being applied to
23 the press coverage. As a family, we learned a
24 lot about the flexibility of the truth in media.
25 I recall seeing copies of posters that were

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1 displayed in downtown Rochester that were
2 recruiting people to burn Attica. The people of
3 Attica had become the villains. All Attica
4 prison guards were portrayed as racist, sadistic
5 monsters who got their jollies by beating on
6 oppressed political prisoners because of the
7 color of their skin. I knew this too was a lie.

8 I recall that we traveled as a family to
9 Florida for the Easter holiday. I think it was
10 1972. In Tennessee, someone noticed that our car
11 was purchased from the Attica Garage. I think
12 that particular individual expressed his support
13 for my father having survived his ordeal. Many
14 Attica residents removed the auto dealer tags
15 from their cars so that no one would know where
16 they lived. At that time license plates were
17 available with ATT designation. Some Attica
18 residents changed their plate numbers, some
19 proudly kept them. I recall that my neighbor,
20 Glen Sattler, who owned half interest in the
21 Attica Lumber Company, felt compelled to cover up
22 the signs on the side of his delivery trucks when
23 traveling to certain areas. I recall the story
24 of an incident where the pilot of a commercial
25 airliner dipped the wing of the plane and pointed

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1 out infamous Attica to passengers when they
2 passed over my hometown. This incident was
3 reportedly observed by a young female passenger
4 who happened to be from Attica and who became
5 emotionally upset as a result of the pilot's
6 insensitivity. I remember traveling with my
7 father and mother to the Statler Building in
8 downtown Buffalo to meet with an attorney,
9 Mr. Tenney, I think. I remember that the results
10 of that meetings were not positive.

11 In 1975, the high school band director,
12 Genevieve Smith, decided to apply to the Disney
13 Corporation to have the band play as part of the
14 bicentennial celebration at Disney World. She
15 sent an application and audition tape. We, the
16 band, were accepted. The school board said that
17 we could go. And the Attica community mobilized
18 to raise funds to send us and the color guard to
19 Disney World in February 1976. It was clear from
20 the outset that the Attica High School band were
21 being sent as ambassadors for the community. The
22 aftermath of the riot was still plaguing the
23 community. We went to Florida with admonitions
24 that we were representing the good in the Attica
25 community. I feel that we successfully

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1 accomplished the goal of positively representing
2 Attica in an event of marginal national
3 significance. I know that my classmates who were
4 involved with interscholastic sports also felt an
5 obligation to always represent the Attica
6 community with a positive light.

7 Somehow, we all got through this period.
8 I think most of us directly touched by the riot
9 individually tried to put the whole thing behind
10 us. There was no open dialogue. I never
11 discussed my feelings with schoolmates who were
12 similarly affected, or who lost their fathers.
13 The awkwardness associated with the subject was
14 great. I now regret not offering my support for
15 others. I didn't even try to keep track of who
16 in my school were children of the hostages and/or
17 casualties. I feel bad that I didn't talk with
18 Betsy Hardie Van Son when a mutual friend
19 suggested that I should. I remember meeting
20 Betsy a couple of years later at a gas station in
21 Fredonia, where I went to college. The
22 awkwardness was still there. I, like many,
23 stoically kept feelings buried inside, hoping the
24 ghosts would fade.

25 After effects of the riot. My father

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1 suffered, I think, from two great
2 disappointments. He was betrayed by the
3 authority figures he was trained to and wanted to
4 respect. And he was not able to return to a
5 profession that he enjoyed. Dad truly enjoyed
6 his work. Several times over the years, former
7 inmates would stop by our house to say hi to my
8 father, to show him how much he had effected a
9 change in their lives and how they had turned
10 themselves around. Sometimes they would bring
11 their wives and children. Dad was always careful
12 to be cordial, but at the same time not to
13 encourage more visits. I saw that even though
14 these visits were awkward, my father was very
15 pleased to know that he had made a positive
16 contribution to many former inmates' lives after
17 prison.

18 At this time I don't feel that I need
19 psychological counseling to deal with the after
20 effects of the riot. I regret that I cannot be
21 actively involved with the Forgotten Victims
22 group because I am now living in New Hampshire.
23 I think that if the group accomplishes nothing
24 more than uniting those who have suffered, then
25 this endeavor was worth the effort. I am

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1 thankful that I have had this opportunity to
2 share my testimony, presented herein.

3 I have reproduced below a letter I sent to
4 Assemblyman Dan Burling in April 2000. I feel
5 that the sentiments addressed therein deserve
6 incorporation into the testimony presented to the
7 Task Force. In closing, I would like to state
8 that I have not formed an opinion as to what
9 would be adequate financial compensation for
10 former hostages and their families, who have long
11 suffered as a result of the September 1971 Attica
12 prison riot.

13 The letter is addressed, Dear Assemblyman
14 Burling, I am writing in regard to the on-going
15 activities of the former Attica prison riot
16 hostages and their families to gain New York
17 State's recognition for the sacrifices and
18 hardships endured following the September 1971
19 inmate uprising.

20 I am the son of former hostage
21 Richard Fargo. I've been following the recent
22 activities of the other former hostages and their
23 families through communications with my mother,
24 June Fargo, and my sister Cindy Fargo Mellen. I
25 am pleased to be among the many who signed the

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1 open letter to the New York State Legislature
2 regarding the group's desire to open the official
3 records and provide fair compensation for
4 individuals who have suffered greatly as a result
5 of this tragedy.

6 I cannot over emphasize the sense of
7 betrayal that I feel, and I'm sure many of the
8 former hostages and their families feel, that the
9 State of New York has continuously chosen to
10 minimize its obligation to the former hostages
11 and their families. This betrayal started with
12 the mismanagement of the inmate insurrection in
13 September 1971 and appears, with rare exceptions,
14 to be continuing to this day. It is my
15 observation that recent public discourse has
16 focused on what would be a politically acceptable
17 financial compensation package for the family
18 members who have suffered the greatest
19 injustices. Although I can understand the
20 seemingly instinctive reaction of lawmakers to
21 resolve problems through the allocation of public
22 funds, I think the primary concerns of the group
23 are being overlooked.

24 My father, Richard Fargo, is no longer
25 alive. Although he physically survived his

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1 four-day ordeal in D yard, I have no doubt in my
2 mind that the events of September 1971 led to his
3 premature decline in health and early death. My
4 son and daughter will never truly know the kind
5 and loving man, of superior character, who was
6 their grandfather.

7 If there is one thing that could have
8 helped to change the course of the troubled
9 latter portion of my father's life, it would be
10 the opening of the prison riot records and the
11 acknowledgement by the State that it
12 intentionally misled the public regarding the
13 events of the prison retaking. My father
14 steadfastly maintained that evidence of
15 mismanagement and the subsequent cover-up would
16 be fully documented in the records. I'm sure
17 that if he were still alive, my father would also
18 fully support the efforts of the group to get the
19 State of New York to apologize for the
20 intentional withholding of fair compensation for
21 former hostages and families of Correction
22 Officers killed in the uprising. For years, my
23 father agonized over being coerced into signing
24 away his rights to seek restitution by the same
25 superior officers in whose guidance he had come

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1 to trust over many years of service.

2 Richard Fargo's clear sense of right over wrong
3 was severely damaged by the events that followed
4 the Attica prison riot.

5 I applaud your efforts to correct the
6 injustices endured by the former hostages of the
7 Attica prison riot and their families. And I
8 hope that my feelings, represented above, will
9 find their way into the official record of the
10 State of New York regarding this matter.

11 Sincerely, Thomas Richard Fargo. Thank you.

12 COMMISSIONER GOORD: Thank you, Miss Mellen.

13 Does anybody have any questions?

14 SENATOR VOLKER: No, thank you.

15 COMMISSIONER GOORD: We are going to take a ten
16 minute break. I would like to also remind future people that
17 testify that you do not have to read statements to be part of
18 the record. You can present it to us, and we'll give that to
19 the reporter to be part of the record. So it does not have to
20 be read to be part of the record. Thank you very much.

21 (Whereupon there was a brief pause in the proceeding.)

22 * * *

23 COMMISSIONER GOORD: Okay. We're going to get
24 started, please. Mr. Eve will join us in a few minutes.

25 Mr. Dean Wright and Marilyn Wright.

TESTIMONY OF DEAN WRIGHT

1 (Dean and Marilyn Wright addressed the Panel.)

2 DEAN WRIGHT: My name is Dean Wright. I was a
3 Correction Officer in D block on 13 company. I have been a
4 Correction Officer since 1967.

5 A little on before the riot actually started.
6 There was an awful lot of tension in the jail, not just on the
7 part of the inmates but on the part of the officers. Everyone
8 was on edge. And everything seemed like it was going to be a
9 matter of time before something happened. And the day before
10 the riot, I worked a seven-to-three shift. We were getting
11 ready for a change of shift and an inmate come up to me in the
12 B block lobby and he asked me if I had to work tomorrow. And
13 I said yeah. And he said, Well, call in sick, you don't want
14 to come to work. He said, You don't want to be here. And he
15 left. And I was scheduled to work the next day and I went to
16 work, that was my job.

17 And then, the morning of the 9th, we went to
18 roll call like we did every other morning, and they told us at
19 roll call that they had had a problem in the yard, A yard, and
20 they had a problem in A block, but they were going to run the
21 jail as normal. And we were just supposed to watch ourselves,
22 be careful and stay out of trouble. And we went to our jobs.
23 I went to B block, took my company to mess hall for breakfast
24 like every day. Being a summer schedule, they went from the
25 mess hall directly to the yards and then everyone left from

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1 the yards to their jobs. Like a lot of our people were
2 working in metal shop; so they call up the metal shop
3 companies, they would leave. They call out the school
4 companies, they would leave. The companies that mopped the
5 floors and stuff would leave. When everyone left, I was left
6 in the yard with the sick call, the men that had signed up for
7 sick call. That was part of my job, to take them to sick
8 call, to the hospital. So we were in the yard, by myself,
9 with probably 15 or 20 inmates that were signed up for sick
10 call, in the yard. And we're waiting to be called from the
11 hospital to go.

12 There was a lot of noise over toward A block.
13 I locked the door corridor. And then, all of a sudden, the
14 windows started breaking out of, you could hear glass breaking
15 toward A block, a lot of yelling, a lot of glass breaking.
16 And I told all my inmates with me, I says, I don't know what's
17 going on, go to the center of the yard and stay there, which
18 they did. And you could hear the noise and the glass and
19 everything coming toward, toward where we were, toward B
20 block, toward Times Square. But you didn't think anything
21 would happen. I mean, they had a problem in A block. They
22 would get people there, it would stop. If they did get to the
23 Square, it would be stopped at the Square, because we knew the
24 gates at the Square were all locked. The noise kept coming
25 this way and coming this way, and it kind of stopped for a

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1 minute. And then, all of a sudden, all of the windows in B
2 corridor and C corridor, they were coming down through, they
3 were breaking out windows and yelling. And they came down to
4 where I was. I took the key and put it in the locked door and
5 turned it halfway so they couldn't put anything into the lock.
6 And I stood there. And they busted the windows out of the
7 door even. And they were hollering, and they were hollering
8 at my inmates, Bust his blank head, take his keys, do this, do
9 that. And they stayed where they were. And then all of a
10 sudden, they had passed B block door, B yard door, and then
11 they came back and they had the keys from B block. They were
12 trying to unlock the door and they couldn't get the key in the
13 door. And that's when they really started hollering at the
14 inmates. And they told them that eventually they would get
15 the door open and, for their own benefit, they had better bust
16 my head, take my keys and get that door open. And at that
17 time, they were getting very nervous. I was getting very
18 nervous. They did, they came up and they said, Give us the
19 keys. And I says, You really want to do this? And they said,
20 We've got to do this, we can't afford, for our own safety, not
21 to. And I just left the key in the door and backed away.

22 And when I backed away, I went down off the
23 platform and I started toward the toilet. It was 50 yards
24 down the block, or down the yard. At that time, I looked up,
25 and on the top of A catwalk Walt Zymowski and Officer John

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1 D'Arcangelo came up on to the top of A corridor. So I climbed
2 up on a chair, table and climbed up on the top of the corridor
3 with them. They told me that A block was gone. I said okay,
4 what do we do. We're trying to decide what we're going to do.
5 So we started towards C block, because we could see officers
6 on the second floor of C block, where the door was. We
7 started for C block and they waved us back. Because at that
8 time, I guess, the inmates were in the lobby of C block. So
9 they waved us to go back. So we went back to Times Square and
10 we -- Times Square had a riot fence around it -- and we tried
11 to be as inconspicuous as possible and we stayed there and
12 tried to decide what we were going to do.

13 And as things progressed, more inmates got
14 involved, more people running around, and we decided that was
15 not a good place to be. So we looked around and at that time,
16 B yard was empty, there was no one in B yard. So we climbed
17 down off the catwalk, went into the toilet, closed the door,
18 locked it. Now, there was cushions, pillows, odd things that
19 were used in the yard, whatever. And we took everything that
20 was movable and we piled it against the door. And we set
21 there. All of a sudden, the sirens started going off, the
22 whistle through the jail starts going off, and all this
23 yelling and busting up stuff. Inmates came out, they burnt
24 the platform of B yard door and they left. They took whatever
25 tools were underneath the platform and they left.

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1 We set there all morning and we couldn't figure
2 out where our guys were. You know, we could hear the noise,
3 we could hear the yelling. But you couldn't see. We didn't
4 know what was going on. Your mind is running horse races
5 because you don't know what it's doing. And we just were
6 completely confused. We didn't know what we should do, we
7 didn't know where to go, so we stayed there. All of a sudden,
8 it was later, we heard the inmates that were out around Times
9 Square, we heard them yelling that they're coming, everybody
10 in the D block. Finally, you know, it got real quiet, and
11 nothing happened, absolutely nothing. And pretty quick the
12 inmates came back. And it was the same thing all over again.
13 And we just couldn't figure out where our people were. And
14 then, again, they hollered, They're coming, everybody to
15 D yard. And they left.

16 So we finally, you know, finally, they are
17 coming. We just stayed there. And then we looked out the
18 window, and there was three or four officers came out of D
19 corridor on to the platform and looked around the yard. Of
20 course, there was nobody there. I mean, we were yelling, but
21 they couldn't hear it because we had everything barricaded.
22 So we start hauling stuff away from the door. And we looked,
23 and they turned around and they went back in. We didn't know
24 what to do. So I was told afterwards that that was when the
25 officers were in the process of taking back the jail and

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1 that's when the orders came from Albany that the officers
2 weren't going to take back the jail, they were going to
3 negotiate. And they called the officers back. And that's
4 when the inmates then took over the B block, and control of
5 the yard.

6 Later, we stayed there all afternoon, later in
7 the afternoon we seen some inmates -- we heard some inmates,
8 we didn't see them -- we heard them come out into the yard, B
9 yard. And they came down and they tried the door and, of
10 course, it was locked. They looked in the windows and they
11 could see everything piled against the door and the windows
12 and everything. And they started yelling, We found them. And
13 I thought that was a little strange. But they kept yelling,
14 We found them, we found them. And then they said, told us, We
15 know you are in there, come on out; which we didn't do. And
16 they kept yelling for us to come out. And then one of them
17 yelled that we have a Molotov cocktail, either you come out
18 now or we're going to burn you out. Enough said, we came out.

19 And we came out and we were met by three
20 inmates with clubs, baseball bats, wearing football helmets or
21 whatever. And one of them I knew, and I called him by name.
22 And I said, What the hell are you doing? And he said, Just
23 shut up, don't say a word, do as you are told. And they took
24 us from there, they took us over and up a make-shift ladder
25 onto D corridor roof, to Times Square, down through Times

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1 Square, down to D corridor -- which was, they were all covered
2 with glass and all kinds of junk -- and to D yard. When we
3 went out into D yard, they hollered to inmates in the yard
4 that they had found us. And all these inmates come running
5 over and they got, you don't know what's going to happen, they
6 got clubs, bats, pipes, anything that they could weald for a
7 weapon. And we kind of, the three of us kind of got separated
8 at that point. And they told me to strip. And so I started
9 taking off my shirt and stuff. And, evidently, I wasn't going
10 fast enough. A little Hispanic inmate came running up to me
11 with a razor blade and he cut and pulled the rest of my
12 clothes off in a very short period of time. They threw a pair
13 of shorts at me and told me to put them on. And then they,
14 there was more inmates, more pushing, more shoving, things
15 were getting to threats. Things were getting a little out of
16 hand.

17 And an inmate ran over that I, I can't tell you
18 his name, I know where he locked, he locked on 19 company.
19 And he grabbed me and he says, Leave him alone. He said,
20 Don't worry about a thing, he said, I'm going to take care of
21 him. And he grabbed me and he started hauling me away, and we
22 started to cross the yard. And he says, Look, don't do
23 anything, just do as you are told. He says, I'm going to try
24 to see that you don't get hurt. I had locked this inmate up a
25 time or two for different infractions and things. He said,

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1 You were always fair with me and, he says, I'm going to try to
2 see that you don't get hurt. Then he took me to the circle
3 where I was tied hand and foot, and blindfolded, and turned
4 around and sat down. And during the first day, day
5 and-a-half, this inmate came by twice and said something to
6 me. He finally said that he didn't dare talk to me anymore,
7 and that was the last day I saw him.

8 And while we were in the circle, nobody talked
9 because we were blindfolded. A lot of people were hurt. We
10 didn't know, you didn't dare say anything. You didn't know
11 who was there. You didn't know who was beside you, who was
12 behind you, in front of you. It was just, people would run
13 by, they would yell things at you. It was just scary. I was
14 scared to death. Everybody was scared to death. If you
15 weren't, they were foolish. I started out with a real bad
16 cold. I had it for some time, but I still went to work. And
17 setting out there with literally very little clothes on, in
18 the rain, in the cold, everything just kept getting worse and
19 worse and worse and worse and worse. And I kept getting
20 sicker and sicker. The inmates gave us cheese sandwiches, but
21 I didn't keep anything down, I couldn't eat.

22 My feelings at that time were that the longer
23 we sat there, the less chance we had. I mean, the inmates
24 were getting more agitated. The negotiations were going
25 nowheres that I could see. Our outlook was getting worse all

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1 the time as far as that was concerned. During the retaking of
2 the prison, I was in the circle. I was tied hand and foot, I
3 was blindfolded. They stood me up and there was two inmates
4 behind me. There was one directly behind me and one behind me
5 slightly to my right. And he had what I thought was a knife
6 at my throat. And this was when a helicopters and everything
7 were coming over and starting. Anyway, we were standing up
8 there, and an inmate ran by and, for whatever reason, he had a
9 club of some sort and he started wailing away at my belly and
10 stomach. And of course, I fell down. They told him, That's
11 enough. They reached down, they reached down and they stood
12 me back up.

13 Then when the helicopter came over, they
14 dropped the gas. We were standing there and the gas dropped
15 and the shooting started. And prior to that, I mean, I was
16 scared to death. And the only thing I did or said, I said the
17 Lord's prayer, and I said, I hope God gives me enough strength
18 to die like a man. And that was, I figured I was dead. And
19 when the shooting started, I heard and felt the bullet go past
20 my ear and hit this inmate. And it's a sound I, I'll never
21 forget. It sounded like, when he got hit with that bullet, it
22 was like you took a pumpkin and just smashed it on a blacktop
23 road. Just that sound. And of course when he fell down, he
24 pulled me down with him. And when I went down, my blindfold
25 did not come off, it slipped enough that you could see a

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1 little bit. And I was on my belly and I looked as much as I
2 could see and I was laying next to Al Robbins in the circle.
3 And I stayed there, and there was a lot of yelling, shooting,
4 just all kinds of, there was screaming, it was everything.
5 And I stayed there. And when I was turned over, I mean
6 somebody reached down and they turned me over, first thing I
7 saw was about six inches from my face was a barrel of a twelve
8 gauge shotgun. And somebody yelled, He's one of ours, he's
9 one of ours. And it was a trooper with the gas mask and
10 everything on. And he left, he turned around and left. And
11 two officers come over, they untied me, and they got me up.
12 We went over to B corridor and went up a ladder. They helped
13 me up a ladder on to the roof. Down B corridor to the Square,
14 and turned toward A block. And all this time they're walking
15 over blood, bodies, they were all over. And we went, we got
16 to A block around the barricades and everything, got to A
17 block, went in A block. They took me down the stairs into the
18 lobby, out through the administration building to the
19 ambulance that was inside the wall.

20 They put me in the ambulance with two other
21 people, and to this day I can't tell you their names. And we
22 went to Warsaw Hospital. When I got to Warsaw Hospital, I
23 told them I was sick. I said, I don't know if I got a bad
24 cold or what, I said, I need an antibiotic of some sort. And
25 they said, Sit over here. My wife came with a friend of ours,

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1 I don't know who called them, how they come to know. When
2 they came, they said, Take him home. That was it. They took
3 me home. There was no treatment, no checking me over,
4 nothing. They just said I was in one piece, go home. That's
5 what I did, I went home.

6 A day or two after I was home, the same friend
7 that had brought Marilyn to the hospital came to the house and
8 he says, You are sick. He says, I made an appointment with my
9 doctor, I'm going to take you to the doctor. And it was
10 Dr. Welch in Batavia, he had an office right in Genesee
11 Memorial Hospital. And I went to the hospital and he checked
12 me all over and he says, You are really sick. He says, You
13 have got a real bad case of acute pneumonia, he says, you are
14 really sick. He says, I'm going to admit you. I says, No,
15 you are not. He says, Yes, I am. And I says, No, I says, I
16 have got to be a pallbearer at my best friend's funeral, he
17 was killed in the riot. And he says, No, he says, you are too
18 sick to go to that. He says, You are going to be admitted.
19 And we had some words. And he got on the phone and he called
20 security and he told them that I was to be admitted and I was
21 not to leave the hospital. And I missed Ronnie's funeral.
22 And that bothers me still.

23 And while I was in the hospital, it was the
24 next day or the day after, there was three people in the room.
25 One of them was a Correction Officer, I don't know who it was,

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1 and there was two men in suits. They told me they were from
2 the jail, and that I wasn't to worry about a thing. Don't
3 worry about doctor bills, hospital bills, anything. They were
4 going to take care of everything. Take six months off, get
5 healthy. They were going to pay us our regular paycheck for
6 six months. Don't be in any hurry to come back to work, that
7 they'd take care of everything. They took care of everything.
8 And that was the last, first, last, only contact I had with
9 anyone from the State until all the commissions and things
10 started.

11 And I got a call to go to the jail to identify
12 photographs of inmates and whatever. I said, okay. I went, I
13 went to the jail and they gave us these big mug books. And
14 turn pages, pages and pages. And you would pick out an inmate
15 either by you recognized him by his picture or you knew his
16 name or you knew where he locked. You knew who you were
17 talking about. But the people that you were trying to help
18 made you feel like you didn't know what the hell you were
19 talking about. Why do you know this guy? Where do you know
20 this guy from? He wasn't from your company, you know. And I
21 don't know if they were trying to confuse you or what they
22 were trying to do. They would say, You have seen him here?
23 Well, no, didn't you see him here? Didn't you see him doing
24 this or didn't you see him doing that? And it got to the
25 point where it didn't make any sense to me. Why should I even

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1 go and go through all this when they don't believe you? They
2 try to put words in your mouth that he was where he wasn't or
3 he was doing something that you didn't see him do. And I
4 probably got, probably, very hostile because I had a bad
5 temper because I didn't like being made a fool of, and that's
6 what it felt like.

7 After I got home from the hospital, I drank
8 more than I should have, I smoked more than I should have, and
9 we all drank more than we should have. And it didn't help.
10 You didn't sleep good. I mean, you would go to sleep and, all
11 of a sudden, you would wake right up and you were reliving
12 things that you didn't want to relive. I was on tranquilizers
13 for quite a while from the doctor because, for whatever
14 reason, I'd go along and I'd get the shakes. Just out of the
15 clear blue sky, I'd get the shakes. And I don't know why.
16 Eventually, they gone away. But I still get nervous. I get
17 withdrawn. I get on emotional roller coasters just like. And
18 it bothers me, because I don't know why I do these things.
19 The riot was never, ever brought up or discussed in my house.
20 I never talked of it with Marilyn, I never discussed it with
21 my sons, which I had four small boys at home, the oldest one
22 was nine. I never talked to them about it. I knew how I
23 felt, and I didn't want them to feel that way.

24 I thought very seriously of not going back to
25 work for the Department of Correction. But in our area there

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1 is not a lot of jobs. The prison is the biggest employer.
2 And I didn't know what to do. I set down one day with my
3 father and I told him, I said, I don't want to go back. And
4 he told me, bull-headed Irish man that he was, that I was to
5 do what I thought was right, but if I could, he felt I should
6 go back at least for a short period of time, he said, just to
7 prove to yourself that you could. He says, If you don't, you
8 will never really know whether the inmates beat you or not.
9 So I went back. I went back on a different job, but I went
10 back. I retired from the prison in 1998, I had almost 31
11 years in. After I went back to work, I was told, get over it,
12 don't talk about it. I went on, me, like all the rest of us,
13 we didn't, I mean, we worked, some of us that were hostages,
14 worked together for years. I mean, we talked about a lot of
15 things, but the riot was never one of them, and our feelings
16 were never one of them, and our problems were never one of
17 them.

18 And I got in a lot of bad arguments with people
19 after the riot, because I was a die-hard State man. I
20 believed the State when they said they were going to take care
21 of us. I believed them when they told us that all these
22 people got their throat cut. I believed them when they told
23 us all this stuff. And I, I did, I got in some bad arguments
24 over people saying our people were shot. I says, No they
25 weren't, our people wouldn't do that. Well, when I got

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1 involved with the Victims of Attica and I found out facts, not
2 what somebody told me, I started finding out the facts, and it
3 blew me away. I just couldn't, couldn't believe that the
4 people that were our employers, the people we elected, would
5 do that to us. I just -- it's just hard for me to believe.
6 Just like when John gave his testimony, when we were found
7 out, the reason that they found out afterwards when the
8 inmates said, We found them, I found out afterwards that the
9 State gave them our names because they didn't know where we
10 were. That's why they came looking for us. I didn't know
11 until today that John wasn't in the yard when I got there. I
12 mean that's, we didn't, we didn't talk riot. I don't care
13 what we talked about, we did not talk riot. I am sorry I feel
14 the way I do about the State. I am sorry I feel the way I do
15 about our, these people. I hope to God they do something for
16 us. Because up to now, they haven't.

17 As far as the five points are concerned,
18 personally, I won't read the records. I lived enough of it, I
19 don't want to read it. But I think, personally, that they
20 should be opened, they should be available to anybody that
21 wants to read them. As bad, as horrific as it was, it is part
22 of our history. And I think anybody that is interested in
23 history or interested in this in any way should have the right
24 to read what they want to read of it. And hopefully, God
25 willing, it will never happen to anybody else. An apology, I

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1 don't know if an apology, acknowledgement, maybe. Have the
2 State at least acknowledge to us that they did us wrong. I
3 don't care how they acknowledge it. If they have to
4 acknowledge it in a paycheck, that's fine. I don't care. The
5 memorial services, as long as we have Commissioner Goord in
6 office, we have our memorial services. Am I correct?

7 COMMISSIONER GOORD: Yes.

8 DEAN WRIGHT: We have the right to have our
9 memorial services. But someday Mr. Goord will not be in
10 office, and I would like to see it permanent.

11 Counseling, I feel very strongly on counseling.
12 Not all of us need the same type of counselors, I realize
13 that. I think the State could set up something with qualified
14 people to, not to counsel us, to evaluate us. Say some of us
15 may need individual counseling, at least point us in that
16 direction. Some of us need, maybe, group counseling; point in
17 that, whatever direction we need. And I think they should
18 pick up the tab for it. And I, like I said, I realize all of
19 us don't need the same counseling, but most of us need some
20 type of counseling.

21 As far as reparations, like you have heard
22 before, we didn't get paid for the time we sat in the yard.
23 If we were scheduled to work, we got paid our eight hours
24 straight time. If we weren't, we got paid overtime. Excuse
25 me. The other eight hours, we were supposed to be sleeping.

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1 What that break, that break gave the State, they could say,
2 You were off, you had division in your time, we don't have to
3 pay you overtime. Now, when you go back to work the next
4 morning, you are on straight time. And that's what happened
5 to us.

6 As far as reparations, I feel personally that
7 our judicial system has done this in a lot of ways. With the
8 Jones case, our judicial system gave her over a million
9 dollars. That put, I feel, a dollar tag on a life. A life
10 was worth a million dollars. Some of us, fortunately or
11 unfortunately, that survived, after the inmates got their
12 settlement of millions and millions of dollars for doing
13 millions and millions of dollars in damage to State property,
14 which came out of every one of our pockets, out of your State
15 money. They did millions and millions of dollars in damage,
16 besides hurting people and killing people and everything.
17 Then they were paid millions and millions of dollars for doing
18 it. And that just made me mad as hell. Frank Smith was
19 awarded \$250,000 through our judicial system because he had
20 been wronged by the State. My feeling is, we were wronged by
21 the inmates, who were wards of the State. We were tortured,
22 if you want to call it tortured, by being blindfolded, by
23 being tormented, whatever. We were wronged by the inmates.
24 They are the ones that caused the riot, we didn't. We were
25 wronged by the state. We were lied to by the State.

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1 Everything was done to keep us in the dark. We didn't know,
2 we didn't know the facts. We weren't given the facts. And if
3 we were told anything, more than likely it was not the truth.
4 And I think anybody, I don't care if they were a hostage for
5 one minute, one day, or set in the yard with us for five days,
6 they are worth at least, the very least, the same
7 compensation, that same compensation that Frank Smith got.
8 And that would be at the very least. And everybody that was
9 involved in this riot were injured. I don't care if it was
10 physically, mentally, physically or mentally or both. We have
11 a problem. We were all injured to some degree.

12 I have just a short statement I would like to
13 read. My oldest son lives in Tennessee now. He was nine
14 years old at this time. And I got this email, I got it
15 Tuesday.

16 (Dean Wright reads the written statement of
17 Scott Wright into the record.)

18 Hello. My name is Scott Wright, I am the
19 son of retired Attica Prison guard Dean and
20 Marilyn Wright. I am writing this statement in
21 support of the Forgotten Victims of Attica
22 because my schedule wouldn't allow me to be
23 present. You see, I live in and work in
24 Tennessee. A lot of the reason I do not live in
25 New York State now stems from the riot of

WRITTEN STATEMENT OF SCOTT WRIGHT

1 September of 1971. Back then, I was a
2 nine-year-old boy who just enjoyed life and many
3 things that young country kids did. I enjoyed
4 spending time with my family, family of my
5 parents best friend, the Werners, Ronnie and
6 Juanita.

7 That all changed on September 9th. My
8 first memory of real events that occurred because
9 of the riot was on the evening of September 9th.
10 I remember looking out into the kitchen of our
11 house and see my mother break down and cry and
12 wail uncontrollably. I had never experienced
13 this side of my mother prior to that day, nor
14 have I experienced it since. Friends and
15 relatives surrounded her. I did not know what
16 was going on. But I ran back into my bedroom and
17 told my younger brother, Rob, I don't know what's
18 going on but it's real bad.

19 it was the next day when we were told
20 about the riot. I'm not sure I understood what
21 it meant, but I did know it was causing my
22 brothers and I not to see our father. And we
23 were staying with friends and relatives while my
24 mother was living a nightmare. I remember seeing
25 a photograph on the front page of the paper, it

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1 was the third or fourth day of the riot. In that
2 photo stood my father, a hostage. It was the
3 first time that we knew he was alive, at least at
4 that moment the picture was taken. I remember
5 someone coming and getting me at the Mrs. Stamps
6 fourth grade class to let us know that everything
7 was going to be all right, at least for us. The
8 hostages that lived and the families that were
9 widowed would not be so lucky. They would have
10 to live with this the rest of their lives.

11 Sometime after the riot, after all the
12 funerals, and after my father finally got out of
13 the hospital, we visited the grave of the late
14 Ronnie Werner with his family. I was standing
15 looking at his grave stone. I turned and looked
16 over my left shoulder. For some reason, there it
17 was, the front gates of hell, Attica State
18 Prison, as it was known back then. It was one of
19 the most eerie feelings I have ever had in my
20 life. I think that moment had a lot to do with
21 the decisions that I would make in the future to
22 get the hell out of that area.

23 As bad as it sounds, it cannot touch what
24 my father, along with the other living hostages
25 and widows' families have endured. The former

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1 hostages have nightmares and relive these events
2 over and over and over again. The families of
3 the hostages who lost their lives in the riot had
4 to endure that loss for over all these years.
5 For ones who lived, the nightmare would not die;
6 and for the ones that died, will live forever in
7 a nightmare.

8 We had a small farm that we raised horses,
9 cows, pigs, et cetera. We enjoyed being raised
10 on farming country. We also continued to keep
11 the farm as a form of release for my father when
12 he was home, away from that God forsaken place.

13 All of these people should be commended
14 for what they have endured. I feel that the
15 State of New York owes these people an apology.
16 And in light of compensation on the inmates that
17 took part in the riots, these people should be
18 compensated for all their hardships. They have
19 been injured by these inmates, common criminals
20 are the ones that started the riot. If they
21 deserve compensation, the people who are just
22 showing up to do their job surely do.

23 I cannot speak to the activities that
24 happened inside the walls of Attica in 1971, but
25 I know my father can, vividly. He lives it every

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1 day. Please, find it in your hearts to do what's
2 right for this courageous group of people. I
3 made my decision to get out of this God forsaken
4 trap that is that area supported by the prison.
5 I swore I would never expose my family to the
6 atrocities that we were exposed to and I will
7 not. I had a chance. Those men back there did
8 not. Thank you, Scott Wright.

9 COMMISSIONER GOORD: Thank you very much.

10 Mrs. Wright, we're going to take a break now
11 for lunch. We will reconvene at ten after two. I'm sorry.

12 (Whereupon there was a recess in the proceeding.)

13 * * *

14 COMMISSIONER GOORD: Sorry for the delay. At
15 the request of the Group, we are going to modify the schedule
16 just a little bit and ask William Cunningham to testify.

17 (William Cunningham, Esq., addressed the Panel.)

18 WILLIAM CUNNINGHAM, ESQ.: Good afternoon,
19 gentlemen. Do you want me sworn in?

20 COMMISSIONER GOORD: No.

21 SENATOR VOLKER: No.

22 WILLIAM CUNNINGHAM, ESQ.: With all due
23 respect, I'd rather stand. And I learned yesterday afternoon
24 at a late date the guidelines you wanted to follow, which are
25 reasonable, and I can do it; namely, the five points that you

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1 feel are important. And I am certainly not going to retry the
2 Attica case. And I see people here who know more about it
3 than I do, maybe all of you.

4 But I want to try, the items I am going to
5 state are not my opinion. I am going to try to give you facts
6 and logic and reason. And I read from the paper, and I have
7 heard in the past, that your job is to make a recommendation
8 to the Governor. And as a result, you would want all the
9 facts.

10 DEPUTY SPEAKER EVE: That young man is looking
11 at your back, and that's my camera. Can you use this mike
12 right here just for me?

13 WILLIAM CUNNINGHAM, ESQ.: You been pushing me
14 around my whole life. Okay, that's fine. You did that to
15 lose my train of thought.

16 DEPUTY SPEAKER EVE: No, no.

17 SENATOR VOLKER: No, no.

18 WILLIAM CUNNINGHAM, ESQ.: I'll try and hit the
19 points one by one. First of all, apologize, that should be
20 fairly easy for the Governor to do. And I can't believe that
21 Governor Pataki will not do that. That's a given. But the
22 issue is, why should the Governor apologize to the victims if
23 the State of New York did everything it could to handle the
24 retaking of the prison in proper manner and the subsequent
25 events after the retaking? And I say to you, the reason that

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1 he should apologize to all the citizens of New York on behalf
2 of the officials of the State of New York is that at the
3 highest levels of the State government from September 1971 on,
4 they were all guilty of egregious immoral or unethical
5 conduct. And when I say that, I talk about the Governor. I
6 talk about a Court of Appeals judge. I talk about an
7 Appellate Division judge. I talk about the Attorney General.
8 I talk about the Superintendent of the State Police. And
9 those of you who listen to a lot of people talk are saying,
10 that's rhetoric, Cunningham, I hope you can back up all of
11 those statements. I can, I have the documents. I was present
12 when these things were said. And any of you, all of you, each
13 of you would like that information, I'll be glad to send it to
14 you, I still have them. For that reason, he should apologize.

15 In addition, the Governor should see that
16 something like that doesn't happen to his employees again.
17 And I would hope that the Task Force would recommend an
18 ombudsman, an ombudsman to take the place of the people who
19 may have a conflict of interest. There is no doubt in my mind
20 that the State of New York had a conflict of interest with the
21 victims of Attica. The State's function was to pay, pursuant
22 to the law, Workman's Compensation and the pension benefits
23 and the life insurance. But they did more than that. They
24 foisted the Workman's Compensation Law on these victims so
25 that they could not bring a proper lawsuit.

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1 I just want to give you one example about
2 Linda Jones. Linda Jones became my client when she came into
3 a little office I had in Alden, New York. She was referred by
4 my secretary at the time. And I had learned her husband was
5 killed. And she said, What do I do with this check? I said,
6 What check. She had a check for \$22, and it was sent by the
7 State of New York a Workman's Compensation check, because her
8 husband was a hostage for four days. And when you are a
9 hostage, they felt he was entitled to meal money at five
10 dollars and fifty cents a day. She handed me that check and I
11 will not tell you the words I used.

12 DEPUTY SPEAKER EVE: Please don't use those
13 words.

14 WILLIAM CUNNINGHAM, ESQ.: Well, you have heard
15 them before. I think you can understand my reaction. Why was
16 that check important? When Mr. Tenney and I, years later --
17 it took thirteen years to finish this lawsuit -- some years
18 later during the trial before Judge Quigley, the Attorney
19 General asked for a recess. He asked for a recess so that the
20 controller could make a further search for the check. They
21 knew Linda Jones didn't take any money. They knew she didn't
22 take any funeral expenses. They knew she didn't take a
23 nickle. The judge, rightly so, granted a recess. They
24 couldn't find it. To this day, they can't find it. It's
25 because she didn't sign the check that she was able to sue the

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1 State. And that's how it happened. And I happen to know
2 where the check is. To this day, I have it. Okay. So that
3 kind of, not the fact of the check, but the Governor should
4 apologize, he should say that isn't right. We should give
5 these people the right to do what's right under the law. And
6 I'm going to get some other points on that. But I spent too
7 much time on apologize already. I can see by the look on your
8 face to say, Well, how long is he going to go on? I'm going
9 to try to keep my total remarks to 15 to 20 minutes.

10 Counseling, that's another given. Nobody --
11 and I look directly at you, Mr. Eve, who was an observer --
12 there is no one who took part in Attica -- I'm not talking
13 about myself -- no one who took part walked away unscarred.
14 Everyone was scarred. I mean, I'm scarred because of the
15 things I saw in the photographs and all, but not like that.
16 And the State, I don't think there's any questions that that's
17 an easy one for the Task Force to do that, the counseling.
18 And not counseling generally, but the State can assess the
19 people who want counseling; if they need it, they can pick up
20 the tab, not the whole tab, that which is not covered by
21 insurance.

22 The memorial service. I heard the Commissioner
23 say that as long as he's Commissioner, there will be a
24 memorial service. To think that it is even on the five points
25 to do away with a permanent monument of this tragedy. I asked

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1 Gary Horton when he told me that, no one will believe they
2 want to stop the memorial service. I attended the one last
3 year and I was really moved by it.

4 The records, that's an issue that has some
5 ramifications with Grand Jury sealed records and that has to
6 be handled, and nobody would expect that. But I've been told
7 that some of the families don't have autopsy reports, or some
8 don't have death certificates. There is a lot of records. I
9 went into the World Trade Center for three days and went
10 through 200 file cabinets and brought 60 back to Rochester for
11 trial. They have every record known to man. And I asked Gary
12 and I said, My gosh. He said that they had been moved from
13 the World Trade Center, they are available. And I don't think
14 that the victims want a record of anything, they just want
15 personal records. There has been books written about Attica
16 and movies and the transcript of the trial. Nobody wants to
17 try the case all over again.

18 We're down to what I feel is the important,
19 important reason that we're here today. I don't like to call
20 it reparations, I like to call it what justice requires. And
21 justice requires that there be adequate and fair compensation
22 to these victims. And why should there be a fair
23 compensation? Because the lawsuit that Linda Jones was able
24 to bring and was successful in was based on the intentional
25 act of the State of New York. Not negligence, not business

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1 judgment. My cause of action for negligence was thrown out of
2 the Court of Appeals. I couldn't bring it in negligence.
3 They said, if you can prove intentional acts, then you may
4 recover.

5 Now, let me tell you what the victims and the
6 families were up against. This started in '71. From '71 to
7 '73, December 28, 1973, thirteen judges heard this case. A
8 Court of Claim Judge, John Cook, started it and said that I
9 had a cause of action. Five Appellate Division judges said,
10 No, you don't have a cause of action, and threw my case out.
11 That was three to three. It went to the Court of Appeals. I
12 appealed that. It went to the Court of Appeals and, in a four
13 to three decision, the Court of Appeals said, If you can prove
14 excessive force and the intentional tort against the State of
15 New York, you, meaning she, may recover. Judge Quigley was
16 the fourteenth judge and he ruled in my favor. So if the
17 victims, who had families to raise, bills to pay, no spouse,
18 nobody to do it, how in the world were they going to sue? It
19 was impossible. Well, your obvious answer to that,
20 Cunningham, it was possible, you sued, why didn't they? My
21 client didn't have five children to raise. She was a
22 23-year-old woman, her husband was a 26-year-old account
23 clerk. They had a three-year-old child and she had a family
24 in Dayton who was able to help her. And it took a lot of
25 courage, think how much courage it took Linda Jones to wait

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1 thirteen years for justice. Justice required that she go
2 forward and she did. No one else could do that.

3 By the time they got to Mr. Tenney, they all
4 had to take Workman's Comp in some form or another. And I'm
5 sure Mr. Tenney is going to address that. There is two parts
6 to their lawsuit. One is election and the other exclusivity.
7 This is law and all lawyers are boring, and maybe you will see
8 where I'm coming from. The victims had the right to elect
9 their remedy. Everyone elected Workman's Compensation except
10 Linda Jones. But even if they elected their remedy, the
11 exclusive remedy against the State of New York at that time
12 was Workman's Comp. The State of New York was different. It
13 goes back to the common law. The king can do no wrong, you
14 can't sue a sovereign for doing a governmental act. They had
15 to overcome two things, two items. Thirteen judges disagreed,
16 seven to six. So what would a lay person do? Most lawyers
17 disagree. There is no question that the legal profession,
18 when I brought the lawsuit, felt that I was just wasting a lot
19 of time. These are citizens and employees of the State of
20 New York. The State of the New York owes them a duty. What
21 kind of a duty? It's a duty to treat them with dignity. It's
22 a duty to indicate to them, You are not beggars, you are
23 entitled to what you want, and we're going to see that it's
24 fair.

25 And somebody has to explain this to me. And I

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1 been thinking about it, and I don't want to be dramatic, but
2 it boggles my mind on September 9th, 1971, the New York State
3 Police planned to retake the prison. On September 11th, 30
4 years later, everyone in this room knows what happened. When
5 the 30 years, when the 2001 event happened, Governor Pataki
6 rushed to see, and so did the whole nation, to see that these
7 innocent victims were compensated properly, as he should have.
8 It was a gracious and wonderful act that all of the public
9 officials at that time did for those victims. Somebody in
10 this room tell me why the employees are any less worthy when
11 they are victims of murder and manslaughter and excessive
12 force and intentional tort? Why they are any less worthy than
13 the poor people who were in the World Trade Center? I'd like
14 to see that question answered. I can't answer it in my mind.

15 That's all I have to say. Except you will say,
16 Wait a minute, Cunningham, you said a judge decided your case.
17 He arrived at the verdict. You didn't have to figure it out,
18 he did. And he awarded \$550,000 for this 26-year-old account
19 clerk, with interest it came to \$1,063,000. Those figures --
20 you know how some things stick in your mind forever? Those
21 will stick in my mind forever. And the case was over. Of
22 course, after the verdict came, which is the State's right,
23 they appealed it again to the Court of Appeals. The case went
24 on ad nauseam. Well, you say, how does that affect us? Your
25 case is over. It affects you this way. I speak now only of

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1 the ten persons who were killed, the ten hostages who died at
2 Attica. You have a bench mark. If a 26-year-old person with
3 a salary of X dollars, you go to an actuarial table and you
4 see what the lifespan is of that person. Everybody that was
5 killed is a different age and different salary and different
6 time in the State, in the system. You figure out what that,
7 what the total is. And when you arrive at the total, what
8 actuarial people call a present value, you bring that total at
9 that time to its present value in 1971, you add interest to
10 it. It's all accountant work. Really, your job is
11 accounting, rather than any other substantive work. And once
12 you get the total that's fair -- these victims are not
13 entitled to, nor do they expect, anything but justice. And
14 justice would require that if they are going to be compensated
15 for the money that they were entitled to if they could have
16 sued, you must deduct from that money they received. If they
17 took Workman's Comp, it comes off the bottom or the top, or
18 the bottom. If they took a pension benefit, who knows, I
19 understand that some were given six months pay. Whatever it
20 is, it's fair to deduct it. They can't expect both. They
21 don't expect both.

22 I have great confidence. I don't know the
23 Commissioner. I have heard of him and I saw him today for the
24 first time. But I know Senator Volker for a long time, 35 or
25 40 years. And I know Assemblyman Eve for probably just as

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1 long. And I have the greatest respect for my state. If it
2 weren't for the cover-up and, frankly, the cover-up causes all
3 the problems. The Roman Catholic faith, my faith, it's bad
4 enough what happened, but the cover-up is worse. Attica,
5 Watergate, White Water. If it weren't for that, this would be
6 behind us. I think the victims are fortunate that they have
7 got a thinking Task Force. There is no one up there in that
8 panel that can't think this thing through. And when they're
9 done, I got a feeling they'll find out what justice requires.

10 And I wanted to add one thing, because there is
11 a lot of people cynical about lawyers. I have no interest in
12 this case financially. I don't represent any of these people.
13 I flew in last night from another state, I'm paying all my own
14 expenses. And as long as I'm alive, I will continue to try
15 and help them in any way that I can. Thank you.

16 SENATOR VOLKER: Can I just say this? You are
17 one of the brightest lawyers I have ever known, and I mean
18 that. You did a better investigation, by far, of Attica than
19 the McKay Commission did. The real reason McKay Commission
20 did justify a bad job, in my humble opinion, not too much by
21 the State and we have a pretty good idea, it wasn't the
22 retaking that caused the problem. I don't want to get into
23 that.

24 WILLIAM CUNNINGHAM, ESQ.: You are kind and I
25 thank you.

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1 SENATOR VOLKER: I mean that.

2 WILLIAM CUNNINGHAM, ESQ.: I think you do. But
3 in fairness, it's not fair, until Gene Tenney's cases were
4 dismissed, we worked on it together.

5 SENATOR VOLKER: I know you did.

6 WILLIAM CUNNINGHAM, ESQ.: We used to fight,
7 but it was a lot of work, and if I had to do it over again, I
8 would.

9 SENATOR VOLKER: The only thing I want to say,
10 you referred to Gene Tenney. And having been the reason --
11 Linda Jones talked to me and said to me, I don't want
12 anything, I don't want anything from the Correction
13 Department. I remember it very well. As you know, she talked
14 to me and I sent her to you. Most people don't know that. I
15 negotiated for that. I put in legislation. Most really
16 didn't know, they were frightened and so forth. I only want
17 to say this. I understand, now I know where the issue of
18 Workers Comp comes from. You did a super job on Worker's Comp
19 issue because, technically speaking, they were out whether
20 they took Workers Comp or not. The law is clear, that if you
21 are a State employee -- since 1935, by the way -- that you
22 then have to prove either intentional or -- what is it?

23 WILLIAM CUNNINGHAM, ESQ.: Excessive force.

24 SENATOR VOLKER: The problem is whether it was
25 intentional against these people. The only judge that ever

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1 ruled, I know John Cook very well, I absolutely know Quigley
2 very well, he served with my father. They were the only
3 judges that ruled that way. And there is a feeling in the
4 State that it was more equity than anything else. You
5 believe, as I believe, that the people who talked to these
6 people about Workers Comp weren't even thinking about
7 lawsuits. Don't you believe that? Originally.

8 WILLIAM CUNNINGHAM, ESQ.: I would think that's
9 fair, because at that time you couldn't sue the State. Until
10 I went forward with my case, you are absolutely right. But in
11 fairness, you got to keep in mind where Judge Quigley came
12 from. When Mr. Tenney and I started this case, Judge Quigley,
13 a Court of Claims judge, political public appointee by
14 Rockefeller. And if you don't think we had an uphill battle
15 to get Judge Quigley all the way for thirteen years. There
16 came a point in the trial when the Superintendent of State
17 Police said, Oh, you wanted me to bring the records to court?
18 Well I burned them in the fireplace. It was at that point and
19 other points that Judge Quigley turned and he said, Wait a
20 minute. Because, you know, Quigley and Tenney were Irishmen.
21 You got three Irish in the courtroom, all we did was fight.

22 SENATOR VOLKER: Plus me.

23 WILLIAM CUNNINGHAM, ESQ.: And he turned. And
24 he was too good a judge and too good a lawyer. His decision
25 is 88 pages, anyone who hasn't read it, I'm sure you have,

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1 should.

2 SENATOR VOLKER: The reason I say this is that
3 a high percentage of people believe the order came from
4 Albany. Not quite. The order not to retake the prison came
5 from Oswald himself, who arrived here. A very high person
6 said to me, if they had ever known what was going to happen,
7 the would have shot his tires out before he got here. Oswald
8 never arrived here. Even the McKay Commission agreed with
9 that. It's a real tragedy, as far as Nelson Rockefeller is
10 concerned. Of course he hated me, and lots of reasons I
11 couldn't get into.

12 WILLIAM CUNNINGHAM, ESQ.: We have lots in
13 common.

14 SENATOR VOLKER: I'm in the Senate because he
15 came after me. And the reason I'm mentioning this, I don't
16 want to go on, Bill, I want to make it clear that you are a
17 super lawyer. You did a very good job. Certainly there were
18 some things here that were done. But the issue was not so
19 much the issue of the retaking but what happened afterwards.

20 WILLIAM CUNNINGHAM, ESQ.: I agree with you
21 then. I think it's both. I want to tell you one thing about
22 Rockefeller. When I took his deposition, Mr. Tenney and I
23 took his deposition, I said to him, Governor, when I would go
24 to Attica -- He said, Cunningham, I would have sent you to
25 Attica. The other thing is, Oswald, on the witness stand in

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1 answer to my question, Yes, I must admit there was excessive
2 force, in our trial. And the third thing, to show up how
3 people could come to their senses after years, we held fifteen
4 or so New York State Policemen in contempt of court for
5 failing to testify, we kept subpoenaing them. Eventually, two
6 or three shooters who fired guns did not follow their union
7 advice and these troopers were, took a lot courage on their
8 part, during our trial they testified and they said what
9 happened. And that same State Police -- well, I can go on
10 forever on Attica. I'm past my allotted time.

11 DEPUTY SPEAKER EVE: You and I have to get
12 together and write the book.

13 WILLIAM CUNNINGHAM, ESQ.: Is there an author
14 in the place?

15 SENATOR VOLKER: Let's put this clear. Nobody
16 targeted a hostage, nobody did. And most of the people it
17 says were killed through inmates themselves. I want to point
18 that out, nobody did.

19 WILLIAM CUNNINGHAM, ESQ.: I certainly don't
20 think that anyone pointed a gun and said, We are going to kill
21 a hostage. That intent was intentionally meant, we proved
22 intention.

23 COMMISSIONER GOORD: Thank you, Mr. Cunningham.
24 Mr. Tenney?

25 (Eugene Tenney, Esq., addressed the Panel.)

TESTIMONY OF EUGENE TENNEY, ESQ.

1 EUGENE TENNEY, ESQ.: Gentlemen. Eugene C.
2 Tenney, attorney, 42 Delaware Avenue, Buffalo, New York.

3 I represented approximately 20 of the people,
4 Mr. Cunningham represented one in these cases. I disagree
5 with what Senator Volker just said about nobody targeted a
6 hostage. I put into evidence during the course of the trial a
7 body on a slab in a morgue with two bullet holes in his back,
8 and that was the cause of death. I tried these cases. I've
9 handled that case for 30 years, 30 years, three-oh. We
10 finally, after 20 years, got a final determination from the
11 Court of Appeals and they threw out all our cases.

12 I also disagree with Senator Volker on the
13 point of view of the position of the State Insurance Fund when
14 they came to the house of the widows and the hostages and
15 brought checks right then and there. That was the end of the
16 ball game. We didn't know that 'til 20 years later. When
17 they walked in the house of the widows and some of the
18 hostages who had been killed were still awaiting their
19 autopsy, they walked into the houses, they have the paper
20 signed. And this is all sworn testimony. We went through two
21 months of testimony before the Compensation Board. I was
22 there, I did it, I saw it. I think what happened at Attica
23 and what happened to the people here was a travesty of
24 justice. And the reason that the courts decided, I was in the
25 Court of Appeals twice in this case, in these cases, thrown

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1 out both times. I was in the Appellate Division four times.
2 I was there, I am the one that handled it. I wrote the brief.
3 I argued the cases. And I know what happened probably as much
4 as anybody, about what happened at Attica on September 13th of
5 1971. And you might think, well, I am a little incensed at
6 this time. But maybe I have waited 30 years too, although in
7 the court room I did this a few times too, I must admit. But
8 it was very difficult for me to, as a lawyer, to have judges,
9 esteemed judges who I respected previously, find that these
10 people, these people elected a remedy, as their husbands lied
11 in hospitals, as they lied in morgues, they elected a remedy,
12 an intentional decision to take Workers Compensation as
13 opposed to going ahead with an act of intentional, which the
14 Court of Appeals initially found was the reason that the case
15 could begin, and that was Mr. Cunningham's case. Mrs. Jones
16 didn't take that compensation check. She had a baby. My
17 clients had five, six, seven children, with a lousy workers
18 Compensation check of, I think in some cases, 85 or \$90. And
19 as a result of taking that one check, one, \$90 --
20 Mr. Cunningham was referring to some kind of a luncheon pay,
21 well, this was Workers Compensation -- as a result of taking
22 that, these people, it cost them and their families millions
23 and millions and millions of dollars. And the State Insurance
24 fund knew, Senator, exactly what they were doing when they
25 walked into the rooms of those people who had lost loved ones

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1 and where was the next meal coming from for their children.
2 And they didn't know whether their husbands were going to be
3 alive or dead. But the State Insurance Fund -- and as I say,
4 Senator, in all due respect to you, I have this under oath.
5 And anytime anybody would want to see this, I'd be very, very
6 happy to show it to them. So you heard Mr. Cunningham say to
7 you that these seven of thirteen judges disagreed. These
8 great, brilliant minds, they disagreed, whether or not the
9 people in the little village of Attica elected their remedy to
10 take Workers Compensation instead of proceeding against the
11 State for the use of excessive force. Ladies and gentlemen,
12 they could have never made that decision if they had been one
13 of the greatest judges in the history of mankind. Do you know
14 why? Because the Court of Appeals in this State had not
15 decided until four or five years later that, as a result of
16 the use of excessive force, you could bring an action. How
17 could these people in the village of Attica, in the physical
18 condition that they found their spouses in after the retaking
19 of this prison, they all of a sudden were the giants and the
20 intelligentsia of the world, not the State of New York but of
21 the world, and decided that were going to proceed with \$85
22 instead of millions of dollars? And I know whereof I speak, I
23 am a negligence lawyer. As Senator Volker knows, I have been
24 practicing law for 47 years. And when I met with those widows
25 and those people in the little village of Attica in December

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1 of 1971, I will never forget it, it was down at Jim Hardie's
2 insurance office. I said, I will do everything in the world I
3 can for you. And I filed a notice of claim against the State
4 of New York. And finally the Court of Appeals said, some four
5 years later, that we could proceed with the lawsuit. There
6 was no question, nobody ever doubted in the decisions that
7 followed, including the eminent Court of Appeals, that
8 excessive force was used by the New York State Troopers, by
9 the Genesee Park Police in the retaking of this prison. And
10 that's why Mr. Cunningham's case stood up and Mrs. Jones
11 received her reward.

12 I'm not going to address the other items. But
13 I am going to just quickly, and I think you probably realize I
14 am talking about the reparations here. I think there was a
15 terrible travesty of justice. And Senator Volker will tell
16 you, I have tried hundreds and perhaps thousands of cases.
17 And this is the worst case that I have ever seen. And
18 unfortunately, I feel very badly about my profession that
19 almost for 50 years I have been a part of, when these people
20 on the court say these people in the village of Attica in
21 September of 1971 decided they were going to give up a cause
22 of action for retribution in order to collection Workers
23 Compensation, that was their right, and we are bound by it.
24 We are a nation of laws. We have to live by laws. About
25 1992, they threw out our last case. The Court of Appeals

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1 threw out our last case some 20 years afterwards. Many of you
2 do not know it, you were advised that the ball game is over.
3 We had no choice. The decision had been made. I never gave
4 up. I went as far as I possibly could. I even went to this
5 point.

6 And you testified in this Workers Compensation
7 hearing. The Court of Appeals said we'll throw you a bone,
8 the victims at Attica, we'll let you go back to Workers
9 Compensation Court, and they can conduct a hearing and if you
10 can show that these people were misled, then they can go ahead
11 with their lawsuit. This is 15 years ago, this is probably
12 around 1986, sometime around there. We went back, and I put
13 the people on from the State Insurance Fund. And I put our
14 clients on, who testified that they had been misled, that they
15 came into their homes, that they had the forms filled out,
16 they come in with a paltry check, they come in with a death
17 benefit. These people had no lawyer. They had no lawyer.
18 They didn't retain me until December of 1971. But you can bet
19 your sweet life the State Insurance Fund had all their lawyers
20 working on this case. And they were working on it from the
21 first date. I'm not talking September 13th, I'm talking about
22 September 9th. I deal with insurance companies. As you can
23 probably tell, I do all plaintiffs' work. I have dealt with a
24 lot of insurance companies through the years. But you know,
25 we went back, as I was telling you, and we went back and we

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1 had this hearing that lasted three, four, five weeks. We took
2 testimony. And by the way, gentleman, I have put in 20 years
3 of work as a lawyer, spent in excess of \$100,000, in 1971 to
4 1980 money, which is probably equal to three to \$400,000,
5 which I have never charged one penny to these people. And I
6 am not part of any retainer agreement with these people.
7 Whatever you give them is theirs. But I think only justice
8 should be done. But let me get back to this Workers
9 Compensation hearing. And that judge found, or the court
10 found that Elizabeth Hardie could proceed, with her seven or
11 eight children, could proceed with her case because, as soon
12 as I was retained, she was able to not take any more Workers
13 Compensation checks. Okay. One out of 20, Elizabeth Hardie.
14 You all know her. You all knew her husband, Elmer. And I am
15 a good friend of her son, Jim Hardie. Do you know what
16 happened in that case? For those of you that don't know, they
17 appealed that decision, that it was found by the judge in the
18 compensation court and the appellate court at the compensation
19 board said, yes, the judge's decision is good, let Hardie go
20 ahead. They impaneled the full Workers Compensation Judges'
21 Panel, 13 or 14 judges, and threw Elizabeth Hardie's case out.
22 You don't think things were, before we even started, the Court
23 of Appeals throws us a bone. This is our eminent, highest
24 court. I hope I don't get disbarred for this, but they send
25 it back and then we get treated like this. I couldn't believe

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1 it. It was absolutely horrendous.

2 I think I have talked enough and I think, I
3 can't help but talk with emotion after 30 years. I know what
4 these people have been through, I know what the system did.
5 Gentlemen, you are the only ones that can rectify this. The
6 Legislature can rectify this. Please do what's right. Thank
7 you very much.

8 SENATOR VOLKER: Thank you, Mr. Tenney. Just
9 for a second, let me say something. I don't think you knew, I
10 referred people to you.

11 EUGENE TENNEY, ESQ.: Right, Senator,
12 certainly.

13 SENATOR VOLKER: We did legislation, as you
14 know, you helped me draft it, to give a cause of action to
15 these people, which passed the Senate a couple of times,
16 didn't get past the Assembly. There are various reasons why
17 we couldn't do it. What I was going to say, I would like to
18 see and I don't know, I would like to see that State Insurance
19 Fund testimony.

20 EUGENE TENNEY, ESQ.: I'll be very happy to
21 send it to you.

22 SENATOR VOLKER: I would really like to see
23 that. I don't think that's something we were really aware of.
24 I knew that, we knew about the check that Bill Cunningham was
25 talking about. But we weren't aware about that.

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1 EUGENE TENNEY, ESQ.: Did you know we had the
2 hearing and the Court of Appeals sent it back?

3 SENATOR VOLKER: Oh, sure.

4 EUGENE TENNEY, ESQ.: I'll be happy to send it
5 to you. I'd consider it an honor to send it to you. These
6 were the big shots that came in from Albany that testified.

7 SENATOR VOLKER: I'd like love to see that.

8 DEPUTY SPEAKER EVE: I have a question. Can I
9 get a summary of it? I don't want 86 pages.

10 EUGENE TENNEY, ESQ.: I sure will.

11 DEPUTY SPEAKER EVE: My question is, can you,
12 since you worked on this -- there is no accountant. I think I
13 can influence, I'd like to see what, based on Ms. Jones, the
14 lady who won, okay, and as Cunningham or someone, I think you
15 mentioned, we need to calculate from September.

16 EUGENE TENNEY, ESQ.: I know exactly.

17 DEPUTY SPEAKER EVE: Could somebody computerize
18 that, as well as deduct what dollars they did get that was
19 allegedly, you know, given to them? Okay?

20 EUGENE TENNEY, ESQ.: Right, absolutely.

21 DEPUTY SPEAKER EVE: And whatever burial cost.
22 So you can estimate it, you know, from '71 through to 2002,
23 what that would be and whatever. And then deduct all of that
24 to come up with a figure. And I'm not saying anyone is going
25 to agree on that figure. We would like to see, based on what

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1 Ms. Jones got, okay, what she got and what it was and so
2 forth, then compared to what this group here is attempting to
3 get. I'd like to see those figures.

4 EUGENE TENNEY, ESQ.: I'd be happy to do, I can
5 do that without any questions. That's my life. I'm doing
6 that in every case without any questions.

7 DEPUTY SPEAKER EVE: I'd like to see that.

8 EUGENE TENNEY, ESQ.: Thank you, Gentleman, for
9 your time. I appreciate it. Good luck everybody.

10 SENATOR VOLKER: Thank you.

11 COMMISSIONER GOORD: Marilyn Wright.

12 (Dean Wright and Marilyn Wright address the Panel.)

13 DEPUTY SPEAKER EVE: I have a question for
14 Mr. Wright, please. Let me look at my notes. You mentioned
15 tension from the inmates and tensions from the guards. A lot
16 of the inmates were frustrated for a number of reasons,
17 whatever the case might be. What was the tension and the
18 concerns from the guards at that time? Why were they uptight?

19 DEAN WRIGHT: Because the inmates were getting
20 uptight. I mean, they were very nervous and uptight. And I
21 mean, there was, I'm not talking about the majority, it was
22 the minority. Like, for example, before the riot, I was in B
23 yard one day, platform. And I wasn't the officer on the
24 platform, there was another officer on the platform. And one
25 of the inmate liaison runners, which had all the blocks pass,

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1 could go to all the blocks, he was a liaison between the
2 inmates and administration. And I don't know, I don't
3 remember exactly what words were said, he told the officer on
4 the platform that, it was something mentioned about a blue
5 shirt. And he said, Don't worry about, it isn't going to be
6 long and we're going to be wearing your blue shirt. And
7 statements like that, that was, that's just one. But I mean,
8 that would make us, as officers, I mean, it makes us nervous.
9 And we knew that the inmates were nervous because they were
10 hearing the same thing. And a lot of them didn't want any
11 part of this, I think.

12 DEPUTY SPEAKER EVE: Obviously the inmate who
13 told you not to come to work on the 9th, he cared about you,
14 he liked you enough --

15 DEAN WRIGHT: He knew ahead of time and he told
16 me not to come.

17 DEPUTY SPEAKER EVE: Not to come to work at
18 that time. You mentioned riot press. What's that? Explain
19 to, guards were lined up in a riot press. Did you use that
20 term?

21 DEAN WRIGHT: I didn't use that term.

22 DEPUTY SPEAKER EVE: You and one of the other
23 gentleman, the gas was so strong, I think some people said
24 that about the gas. And then --

25 DEAN WRIGHT: No. Well, no, there was a lot of

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1 gas in the yard when they dumped the gas, there was a lot of
2 gas. But I didn't really notice it. I mean, the adrenaline
3 was so high. And I didn't really notice it until, when the
4 gas actually hit me is when I got home.

5 DEPUTY SPEAKER EVE: Let me ask you this, just
6 two more questions. From the time the gas was released, when
7 did the shooting start?

8 DEAN WRIGHT: I don't really, I can't give you
9 a --

10 DEPUTY SPEAKER EVE: Was it minutes, hours?

11 DEAN WRIGHT: No, no, no, no. It was a very
12 short period of time. Like I said, we were tied and
13 blindfolded. And we heard, or I heard -- I can't speak for
14 everybody -- I heard the helicopter come over. And you heard
15 the popping of the canisters. And so you knew they were
16 dumping a lot of gas. And it was just a very short time, a
17 very short period of seconds before I heard and felt that
18 bullet go by me. It was not a matter of minutes, it was a
19 matter of seconds.

20 DEPUTY SPEAKER EVE: The reason, and I like
21 this, we were told as observers that they were going to drop a
22 gas in that yard that was never, had never been used in this
23 country before. That it would immobilize, immobilize the
24 inmates and everybody. I mean, they would literally knock
25 them out, whatever. And then it would just be a matter of

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1 coming in and just picking them up and escorting them out or
2 whatever it is. When you say to me that things, the gas was
3 dropped here and then seconds, then it was clear intent then,
4 the shooting was. I mean, that's a little frightening.

5 And then you also said that you didn't get paid
6 for the time that you were in the yard --

7 SENATOR VOLKER: Sleeping time.

8 DEPUTY SPEAKER EVE: -- as hostages?

9 DEAN WRIGHT: No.

10 DEPUTY SPEAKER EVE: For the whole day?

11 DEAN WRIGHT: No.

12 DEPUTY SPEAKER EVE: Time and-a-half, double
13 time, 18-hour shift?

14 DEAN WRIGHT: I was scheduled to work -- say
15 the 9th, I was scheduled to work that day. I was paid eight
16 hours straight time for my shift. I was paid eight hours time
17 and-a-half for the next eight hours.

18 DEPUTY SPEAKER EVE: And that was it?

19 DEAN WRIGHT: And that was it. I didn't get
20 paid from that period until seven o'clock the next morning.
21 Because, according to what I was told by the State, can't pay
22 you 24 hours. You have to have time off in between. When
23 they give us eight hours back off in, when I went back my next
24 regular scheduled day to work, I started out with eight hours
25 straight time pay. And unfortunately, I was scheduled to work

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1 all the time when I was in there. I got paid eight hours
2 straight time every day and eight hours time and-a-half every
3 day.

4 And I am probably not wording everything as
5 good as the last two gentlemen.

6 SENATOR VOLKER: Do you know the superintendent
7 went to lunch while the riot was going on?

8 DEAN WRIGHT: From where I was, I would have
9 went to lunch with him.

10 SENATOR VOLKER: That's my point.

11 DEAN WRIGHT: There was something else I was
12 going to say, but I forgot what it was.

13 DEPUTY SPEAKER EVE: Thank you. Okay, thanks.

14 COMMISSIONER GOORD: Marilyn, I'm sorry.

15 MARILYN WRIGHT: My name is Marilyn Wright,
16 W-R-I-G-H-T. I'm wife of Dean Wright, hostage. We live in
17 Alexander, New York. Dean was a hostage from September 9th to
18 September 13th, 1971. And he's worked at Attica for almost 30
19 years.

20 DEAN WRIGHT: Thirty-one.

21 The first -- almost 31 -- the first I knew of
22 the riot was I had signed up for bowling league, first time in
23 my life, because I just got my four young boys off to school.
24 Bowling league was in Attica. I bowled with a lot of women
25 who had their husbands working at Attica Prison, working up

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1 there a lot longer than Dean. When the sirens went off, I
2 didn't know what it was, they had to tell me. Still, we
3 didn't think it was anything important because all our
4 husbands had been coming home and saying there is a lot of
5 stuff going on that is not good in the prison. But nobody
6 would listen to any of the guards, even though when they told
7 them that inmates told them things and they knew something was
8 coming, nobody listened. They just blew it off. He was
9 always talking about it was getting worse in the prison, in
10 the last couple weeks especially.

11 It wasn't 'til we went home that day and I
12 still hadn't heard anything, I called my girlfriend
13 Juanita Werner. Her husband was in there. We talked about
14 it, but none of us knew what was going on, only what we saw on
15 the TV, because nobody called. So everybody came to the house
16 that night, we sat and waited. I had figured that, they said
17 there was a riot and hostages, that he had to be a hostage
18 because he hadn't called me. And it was midnight that night
19 that the priest or minister from the prison finally called and
20 told me that he was a hostage. Which by then I had figured
21 out, because I knew he would call me. I know I had broke down
22 with the boys and cried, and they weren't used to that. They
23 were very young at the time. They knew something happened but
24 I don't remember even telling them anything. It was pretty
25 upsetting. After that, they took my boys to a friend's house

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1 because I, I just couldn't handle it. And I don't remember an
2 awful lot about things except Juanita and I would get together
3 to talk about it, and we would listen to the TV and the
4 telephone. Dean always told me to stay open, if anything
5 happened at the prison, he would call me. I didn't live in
6 town, I lived in the country. So we just watched television
7 and waited. When Juanita and I would get together, I asked
8 her if they called her, she never heard anything from the
9 State either. When they stormed the prison on the last date,
10 we both waited at home. I got a call first from Ronnie's
11 brother, Don, that Ronnie was alive and out. So the first
12 thing I figured was that both of them would not make it out,
13 so Dean was probably dead. Shortly after that, someone from
14 the prison called me and told me that Dean was alive and he
15 was going to Warsaw Hospital, and that's all they told me.

16 So we took off. We went to the hospital to get
17 him, he was just sitting there waiting. Nobody was doing
18 anything with him. I asked him if he had been checked out.
19 He said, no, that they were looking for gunshot wounds and
20 knife wounds and they didn't pay attention that he was sick.
21 And I knew he would be sick because he had hardly any clothes
22 on and he was out all weekend. The first thing he asked me
23 was if his friend Ronnie was all right. And I said yes,
24 because I had gotten a call that he was all right. Of course,
25 after we got home, I don't know how long it was after that, we

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1 got another call from the Werners saying Ronnie was dead.

2 Dean couldn't sleep after that. He was having
3 terrible nightmares. And he would take off without telling me
4 and go talk to friends that he worked at the prison with. A
5 couple of days later, he ended up in St. Jerome's Hospital
6 with acute pneumonia because of Dr. Welch. He was so under
7 weight I had to bring him anything he wanted to eat or drink.
8 The inmates didn't give them all the food that was sent to
9 them, and I guess he couldn't eat them anyways. He didn't get
10 to Ronnie's funeral, which bothered him for a long time.
11 Maybe it still does, I don't know.

12 I know someone came to the hospital and talked
13 to him, and told him he could take six months off with full
14 pay. You would get your regular paycheck. And when it came,
15 it looked like his regular paychecks.

16 I know he didn't want to go back to the prison,
17 he only did because of me and the boys. His doctor told him
18 not to go back there to work, or he would have a heart attack
19 in ten years or be dead in ten years. Dean told him there was
20 nowhere else for him to go. I can't imagine going back inside
21 after what he had gone through. The only thing he said was he
22 couldn't stand it inside. Every time someone banged a garbage
23 pail or an inmate came near him, he jumped a mile. So the
24 State put him on a wall tower with a gun to watch over the
25 people that held him hostage. He often told me he could have

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1 shot any one of them if he had a chance. I'm sure that they
2 knew it too.

3 We didn't say much to our boys. Dean tried his
4 best to keep things normal. The boys are very prejudiced
5 against black people anyway.

6 I know it was a long time before he slept
7 through the night. He is still having trouble now. I still
8 can't wake him when he falls asleep in a chair or anything,
9 because he'll whip around ready to sock me. He did that to
10 our youngest boy after the riot and sent him flying. He never
11 could forget that.

12 Dean tried to help Ronnie's widow as much as he
13 could, but he was having a hard time himself. I know he's
14 always felt guilty about living while the others died. I know
15 his temper was bad back then, and flew off at simple things.
16 He couldn't, I got so I wouldn't go to the city with him. He
17 would see an ex-inmate and completely change, the ex-inmate
18 would run away from him.

19 Since the riot, my husband has had trouble with
20 bronchitis every single winter.

21 My youngest son tried to get into the New York
22 State Corrections Department in the late 1980s as a guard. He
23 passed everything until he had to go before a board with a
24 psychologist on it, and she was colored to boot. She made
25 them turn him down because his father was a hostage in the

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1 1971 riot. We even called Mr. Conable about it. He did see
2 to it she was taken off the board, but my son was not hired.
3 He now works in the federal government in the Immigration
4 Unit.

5 My husband and I were heavy drinkers and always
6 partied for a long time after that. You think it's going to
7 help you forget, but of course it didn't.

8 We were never told that the money we got for
9 six months for Workers Compensation would do this to us.
10 Also, when my husband went to a lawyer, they said he didn't
11 get sliced open so there was no use suing, unless he wanted to
12 lie and say he was crazy. Dean wouldn't do it. Another
13 thing, he didn't get paid for all the time he was a hostage.
14 The men working outside the wall got all their overtime pay.
15 The State told my husband he had to sleep sometime, and that
16 it was his regular days to work and part of his job.

17 As for wanting the records opened, I do not
18 want to see them, but I think any family member of hostages
19 slain or alive should be able to read them. I also think the
20 history books should have the correct account in them. I hope
21 the State will acknowledge that they have wronged us many
22 ways: Before the riot for not listening to the guards, during
23 the riot, and afterwards. I realize most people are gone that
24 contributed to our situation, but I believe the hostages and
25 widows would appreciate an acknowledgement.

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1 I am very glad we had our memorial on September
2 13th, and I hope the State will continue to let us have it at
3 Attica forever. It is hard for us to go, but some of us need
4 it for healing.

5 To say I don't need counseling is to say none
6 of this bothers me, but of course we know that's no true. I
7 would like my husband and myself and all my boys to have an
8 opportunity to talk with someone to see if we do need help at
9 the State's expense.

10 Do I think we deserve a monetary settlement for
11 30 years of keeping quiet, not getting paid for all the time
12 in the yard, for being held captive by inmates with a knife at
13 his throat and having the inmates that did this to him get
14 \$12,000,000? I sure do.

15 Furthermore, if the State hadn't screwed up,
16 Dean wouldn't have been hostage. They should have kept going
17 in on September 9th and they could have gotten him out. And
18 then, on top of that. They went back that night and asked
19 where Dean and the other two men were. Of course then the
20 inmates went looking for them and found them.

21 I think my husband is worth twice as much as
22 any of those inmates that the State awarded money to. If the
23 inmates hadn't gotten so much money, we wouldn't have got so
24 mad. To think the State gave them so much, and we couldn't
25 even sue for all the crimes committed against us. Thank you.

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1 COMMISSIONER GOORD: Thank you, Mrs. Wright.
2 You did a great job.

3 DEPUTY SPEAKER EVE: Can I just say something?
4 I detect a considerable amount of bitterness, and I understand
5 why. That really reflected back. I need all of you to know
6 that Tom Wicker and one or two of us went to a restaurant in
7 Attica during that time to get something to eat. And a woman
8 who served us in the restaurant told us that she wished they
9 would kill all of us in the restaurant. She said, I wish they
10 would kill all of you. You could sense the hostility. We had
11 a guard bring us some food in the room where we were one day,
12 and he threw it on the table. And his hostility was anger.
13 That's why we didn't want any guards going in, or anybody
14 else, because of the hostility we experienced and saw and
15 felt. And it was understandable. It was understandable.

16 But I want you to know, Big Black that you
17 mentioned, who got that award, Big Black wanted to come here
18 and testify. And I conveyed that. He wrote all of us to say
19 that he was in full support of the hostages and their families
20 getting everything they are entitled to get. And I have asked
21 the Commissioner to allow him to come. And it may not be
22 tomorrow, but maybe if we come back another time, he said he
23 wants to personally come.

24 And you talk about the effects, I almost lost
25 my mind. My wife went through hell with me for about six

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1 months. I mean, absolutely, hell. I believed the lies that I
2 was told. I went into that yard after it was over, and it was
3 inmates who made me leave Sunday night. There were five of us
4 who wanted to stay in the yard. Okay? And they said, no, we
5 want you all to go so that you can tell what really happened
6 here at Attica, because we feel they are going to come in, and
7 we want you all to live so that you all are not killed. And
8 they made us leave. Bill Giddy was with me, Minister Franklin
9 Florence, Albert Capras and, I think, Tom Wicker. And this
10 was after the State had attempted to set us up by lying and
11 saying that we had agreed to certain conditions that the
12 inmates did not give us permission. And for the first time, I
13 was scared Sunday. And I started crying in the room, as I
14 said to them, You all are setting us up, that if we go back in
15 there, the inmates are going to kill us. Then you will have
16 justification to come in and kill everyone. We were lied to
17 and put in a situation so we would be the reason for the State
18 coming in and shooting at people. Okay? And so they, Big
19 Black and a lot of inmates, some of them referred to with
20 their color. And yes, the population has grown. There was
21 only 12,000 inmates then, I think we got 70,000 or 72,000
22 today. Big Black was the last person I touched when I left
23 out of that prison on that Sunday night, and we embraced and
24 we cried in each other's arms. And I left and then, when I
25 went back and saw him on a flat table, after the yard had been

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1 taken, buck naked on his back. And I said, Why you got him
2 out there like that? And they said he cut out Officer Smith's
3 reproductive organs and stuck them in his mouth, and then we
4 saw them cut the throats of other hostages. Okay? It was
5 most, I repeated those lies, I repeated it at a rally in my
6 district with almost a thousand people. Okay? I repeated all
7 those lies, because I believed them. I believed them until at
8 the conference of Buffalo, at a rally, in the Associated Press
9 came over that they were not killed that way. And I almost
10 lost my mind. That's why I love my wife so much today,
11 because she went through hell. And when some people talk
12 about how it changed them, it changed me. And I almost
13 destroyed my family in that process. And so, again, I can
14 understand. And I don't know some of my health problems may
15 not have been caused of that, because I have gone through
16 bouts of depression and so forth. And so, again, I hope we
17 can sort of see to a lot of the things that you would like to
18 see done. And hopefully we will reach a good conclusion, a
19 good conclusion that's fair to everybody, fair to everybody.

20 But Big Black would like to come and testify.
21 He is not an enemy. He is not an enemy. He is not an enemy.
22 But because he was singled out, I believe, so dastardly,
23 because why he was awarded the amount of award that he was
24 received, because of the kinds of treatment he received. I
25 just want to say that for the record, for the record.

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1 MEMBER OF AUDIENCE: Thank you for your
2 testimony. Thank you.

3 DEAN WRIGHT: Can I say one thing? Mr. Eve,
4 you have explained how you were misled and lied to. And you
5 were in there twice.

6 DEPUTY SPEAKER EVE: I was in there five days,
7 back and forth.

8 DEAN WRIGHT: And you just explained how you
9 felt. That's just the touch of the iceberg for how we felt.

10 DEPUTY SPEAKER EVE: I'm sure it is.

11 DEAN WRIGHT: And I just wanted to stress that
12 your feelings are a part of probably how most of us feel.

13 COMMISSIONER GOORD: Thank you very much, Dean,
14 Marilyn.

15 We're going to take a 15-minute break.

16 (Whereupon there was a pause in the proceeding.)

17 COMMISSIONER GOORD: Paula Krotz, please.

18 (Paula Krotz addressed the Panel.)

19 PAULA KROTZ: Good afternoon, Mr. Eve,
20 Mr. Goord, Mr. Aubry and Mr. Volker, and members of the
21 Forgotten Victims of Attica, and anyone else who happens to be
22 in attendance. I'm Paula Krotz, K-R-O-T-Z, wife of Correction
23 Officer Paul Krotz, who was held hostage at Attica during the
24 riot of September of '71.

25 My husband received a phone call early on the

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1 9th of September, telling him to report to work earlier than
2 his regular time. This bothered me, as I knew conditions at
3 the prison were not good. He said not to worry, as he was
4 assigned to Times Square, and supposedly he'd be all right
5 there. That was some bastion of defense, you know. He worked
6 vacation relief and was assigned to work in various areas of
7 the prison.

8 Paul went to work for the Department of
9 Correction in 1969. There was a brief training period and
10 then he was assigned to Greenhaven. He was transferred to
11 Attica, where we lived, after a couple of months. He was
12 immediately put in charge of escorting inmates around the
13 prison. I said, How do you know where to go? He said the
14 inmates knew the way.

15 On the day of the riot, the school year had
16 just begun in earnest. The day was barely underway when the
17 children and I heard sirens, many sirens. Our classroom faced
18 Prospect Street and that would be a short cut from the prison
19 over to Route 98 and then on to Batavia. Emergency vehicles
20 were going by and we all became alarmed. I suspected trouble
21 at the prison. That was verified when the principal came in
22 and said, privately to me, that there was a major uprising
23 going on at the prison, but I was not to tell the children.
24 Well, fourth graders are not stupid. They, too, knew that
25 something was going on. They had connections with the prison.

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1 People kept stopping by the room, talking in
2 whispers. A teacher from down the hall came in and said she
3 had heard the officer at Times Square had been nearly beaten
4 to death. I told her to leave. That was where Paul was
5 supposed to be. He would have been the officer there. I was
6 nervous and upset, and could hardly wait for lunchtime so that
7 I could phone here, there and everywhere, trying to get some
8 information. No results. My husband's parents knew nothing.
9 His sister worked in the parole office and she didn't know
10 anything either. All the women in her office had been sent
11 out. She said she didn't even have time to pick up some money
12 she had there. That was how my lunch hour was spent, trying
13 to find out something. I picked up the children from the
14 cafeteria and returned to the classroom. Helicopters could be
15 heard, fire trucks, more sirens. And I'm on edge, pretending
16 all is well, and I can barely continue.

17 Finally, as it neared dismissal time, the
18 principal announced on the P.A. system that there was a
19 disturbance at the prison and the children were to go directly
20 home. They were told there were no prisoners loose, but they
21 must still go straight home. I recall Giovanni Melven saying,
22 My dad's okay because he's been finished working for 15
23 minutes already. As it turned out, his dad, Donald Melven,
24 had been beaten severely enough to sustain a broken arm, among
25 his other injuries.

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1 As soon as the children were gone, I left
2 school on the run. I hurried home, as my own three children
3 would be coming from the other school. They were young
4 teenagers. My parents, from 50 miles away, had arrived, as
5 they had heard about the uprising, and they could not get
6 through by phone to find out anything. They were to stay at
7 my house until the 13th. That allowed me to have freedom to
8 stay at the prison, where I spent most of my time.

9 I couldn't stay away from there. Others said
10 they couldn't go; with me, it was the opposite, I had to be
11 there. I tried calling the prison, I got nowhere. They'd
12 tell you nothing. I identified myself, but that meant
13 nothing. Of course, I was very frustrated. I went up to the
14 facility and began walking all around the front, stopping
15 anyone I knew. Nothing. There was no place set up where you
16 could make any kind of inquiry or get any, find out anything.

17 Next I walked all along the boulevard where
18 prison employees lived. There were some inmates outside there
19 that worked on the boulevard, and they were joking with a
20 young lad that they knew that lived there on the boulevard
21 that they couldn't get back in. I was hoping I could get
22 close enough to a tower to holler up for some information.
23 Nothing doing. I walked to the chaplain's place at the end of
24 the boulevard. Again, nothing. I went back to the front of
25 the prison and I ran into Joe Heller, a guard that I knew. I

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1 talked to Joe. He said maybe Paul was hiding someplace in
2 there and couldn't get out. He said I might as well go home
3 and wait there to hear something.

4 It was wait, all right. Finally, somewhere
5 around 11:30, Reverend Ranier, a prison chaplain, called and
6 said that for all purposes, I should consider Paul a hostage.
7 That was my first and only contact from inside the prison.
8 Back to the prison I went. Lots of people milling about,
9 going in, coming out. But no time did anyone give us any kind
10 of notice or attention. We might as well have been invisible.
11 The only prison person who spoke to us during all those days
12 was Father Marcinkevich. For a time, he actually was allowed
13 in the hostage area. But then he, too, decided it was, he
14 could no longer do that, it was a little dangerous. He tried
15 to talk and comfort us, but first he'd have to ask the media
16 to leave us alone, as they would crowd right around us.

17 I just noticed my daughter came in. Karen, do
18 you want to come down and sit with Ma? I'll move over. She
19 said, is it all right if I come in my shorts right from work,
20 Ma? I said, it doesn't matter what you wear.

21 (Karen Strothmann joins Paula Krotz before the Panel.)

22 PAULA KROTZ: Mr. Oswald would come out with
23 something for the media and we would rush over with the
24 newsmen and their camera-carrying crew, trying to glean some
25 information. We got pretty good at that. Sometimes we'd beat

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1 the camera men. Days were spent that way. Someone would say
2 the hostages were going to be released, but nothing. I
3 carried a comb in my pocket for Paul, as I had seen him on TV
4 with his hair in his eyes. And anybody that knew him knew he
5 always kept his hair just as neat as could be. I also kept an
6 orange in my pocket, as he liked one in the morning, wishful
7 thinking on my part.

8 One day was hot and sunny. And I remember
9 Tommy Cunningham sitting on the tailgate of a pickup, waiting
10 for his dad. His dad was the man who told Rockefeller to get
11 there or they would all be dead. Sergeant Cunningham was
12 indeed shot to death. Tommy had waited with sunburned lips
13 and face all that day, and waited in vain.

14 I spent most of those hellish days and nights
15 in front of the prison. Bob Buyer, a Buffalo newsman, spent a
16 lot of time there with his little notepad. Somehow, from
17 somewhere, word was spread not to talk to the newsmen. Today
18 I realize the newsmen were just trying to do their job and we
19 should have taken them into our confidence. I recall drinking
20 coffee supplied by the Salvation Army. No way could I eat
21 anything, though they had sandwiches and other things to
22 offer. This went on and on. And I nervously tore many of
23 those little styrofoam cups into little bits, like snowflakes.

24 People had gone house to house in the village
25 for sandwiches. My mom and sister-in-law made many. I don't

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1 know where the sandwiches went. My husband had one egg
2 sandwich all the time he was a hostage. The inmate pants he
3 was given after being stripped on Thursday couldn't be
4 buttoned on Thursday. By Monday, he could hardly keep them
5 up.

6 My routine was to go home and return to the
7 prison, often accompanied by my sons, dad, brother, or other
8 family members, and wait, wait, wait. I remember Karen stayed
9 home with Grandma and we didn't let her go up there. People
10 were on edge. Everyone and his brother had entrance to the
11 prison: Kunstler, Bobby Seale, Tom Soto, some man with a gun
12 in his belt. But we remained invisible to prison officials.
13 Tempers flared that last night. We didn't want to hear what
14 Tom Wicker had to say. We wanted our own. A young wife
15 fainted. Mike Smith's dad could barely contain himself
16 anymore. And the Monteleones, as always, quietly waited.

17 Early on the morning of the 13th, I was at home
18 and heard on the radio that they were going in. My younger
19 son came into the bedroom, put his arms around me and said,
20 Daddy will be all right, Ma, grandpa said dad fought in Korea
21 and he'll know how to handle himself. We didn't know he was
22 going to be standing up there looking at bullets. How do you
23 handle that?

24 I hurried to the prison. My brother appeared,
25 seemingly out of nowhere. Gas was put down. I was in

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1 Mike Smith's father's car with a towel over my face, and still
2 the gas was terrible. You could hear and see the helicopters,
3 and hear the horrible lie, Put your hands on your head and you
4 will not be harmed. Bob Myers was out in front of the prison
5 during the assault. I know he was a fireman and perhaps he
6 was a prison employee too. He came over to me and cautioned
7 that, should Paul get out, I was to drive carefully to the
8 hospital, that after all this, we didn't need an accident.

9 I recall names being called out and then
10 someone came over to me and said that Paul was out and I was
11 to go to St. Jerome's Hospital. My brother's car was parked
12 out along the road and he could hardly keep up with me as I
13 ran. There were National Guard Troops coming in. And I
14 remember hollering that my husband was out.

15 First we hurried home to tell them that Paul
16 was out of prison and in the hospital. I got my purse for
17 money and my health insurance card, and away we went. We went
18 to St. Jerome's, no Paul. Wait some more. I remember feeling
19 so faint that I knelt down on the floor and held my head down.
20 Harrison Whalen's mother came over to see if she could help
21 me. I had not met her previously. She was waiting for her
22 son. I believe she was in a nurse's uniform. Her son, of
23 course, died later of his injuries.

24 Walt Zymowski was a hostage. His brother
25 Chester had gone from Genesee Memorial to St. Jerome's looking

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1 for him. He was the one who told me that he had actually seen
2 Paul walking, and that I should go to Genesee Memorial
3 Hospital. I found Paul there, sitting on the floor of a
4 shower, his shoes still on his feet. He got rid of those and
5 they gave him some foam rubber slippers and a hospital gown.
6 He was in a little room with Larry Lyons and Dean Stenshorn.
7 A lady I was acquainted with, Mrs. Fridman from Attica,
8 brought him some lunch. He couldn't eat. I tried feeding him
9 a few bites, but he just could not eat. I remember there was
10 some sloppy joe on the tray. After a while, someone said he
11 could be released. Well, I know you have to pay to get out of
12 the hospital because, years earlier, the girl in the next bed
13 who had a baby when I did spent an extra day there because
14 they didn't have the money to get her out. I went into an
15 office that was close by and inquired. There was a small slip
16 of paper colored either pink or yellow, saying that Paul was
17 suffering from conjunctivitis and a hit on the head and I
18 don't recall what else. I asked how much, and had my
19 insurance card in hand. And the lady said, It's all taken
20 care of, just take him home. Great news. That's what I
21 wanted to hear, take him home. And that's just what we did.
22 And unknowingly, according to the State, we had accepted
23 Workman's Compensation right there and then. And to this very
24 day, no one has answered my question. Who authorized the
25 hospital to so quickly, so quickly rather, to send us on our

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1 way without paying, thereby denying us our right to sue?

2 Somebody had to get to them in one heck of a hurry. We rode
3 home, my brother, two sisters-in-law, Paul and me in the car.
4 We told Paul, never was he going to go back there again to
5 work. He said he didn't hold any animosity toward the
6 inmates. They, too, had a story that needed to be heard.

7 His mom had dinner waiting for all of us. She
8 broke down and cried. His mother, a diabetic, needed to eat
9 something. We all ate, all twelve of us. Paul ate and
10 promptly went to the bathroom and threw up. Then the two of
11 us walked out in our backyard, holding hands. Even though it
12 was September, we found some beautiful, red, ripe ever-bearing
13 strawberries, seemingly a gift from God.

14 For months and months, Paul's lungs would give
15 off a strange odor from having been burned from the gas put
16 down in the yard. He said the gas put him on the ground
17 immediately and made him sick. He was tied and blindfolded.
18 The inmate holding him kicked him and pulled him up. He went
19 down a second time. The third time, he felt a dead weight
20 pulling him down. The inmate had been shot and, dying, his
21 last words were, You mother blanker. Paul's blindfold and
22 bonds were removed and he was led up a ladder and over a wall,
23 put in a vehicle and taken to the hospital. And that's all he
24 would ever tell us about that day at the facility, no matter
25 who asked him. Our grandson, years later, would say, Grandpa,

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1 tell me what happened. And he'd just walk away.

2 From a person who enjoyed meeting and being
3 with people, as attested by the fact that he made a good
4 living for 18 years selling automobiles in a little town, he
5 could easily have become a hermit or a recluse. We were used
6 to having a houseful, especially on weekends. And he would
7 now say, Let's just stay home by ourselves, or just invite
8 your mother and father or my parents, leave out the others.
9 Sometimes I would think I was living in a monastery.

10 Neighbors or friends would come in to play cards and, in no
11 time, he'd give me the high sign to put on the coffee pot. In
12 other words, hurry them on their way. After a few times of
13 hearing him say, way too early, It's nice you could come,
14 which was really his way of saying, Go, I stopped having
15 people over. It was embarrassing for me, made me too uneasy.

16 Paul spent most of the six months he was off
17 work by himself up on 50 acres of open land, woods and creek
18 that we had. What he did there, outside of some target
19 practice with a pistol, I don't know. He didn't say.

20 He had a difficult time comprehending the awful
21 results of man's inhumanity. In no way could he justify the
22 many deaths, and especially Elon Werner's. I think that death
23 bothered him more than any of the others. When we brought
24 Paul home from the hospital September 13, our neighbor, the
25 clerk at the prison, came over to the car to greet him. At

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1 this time, I hadn't a clue about the slaughter in D yard.
2 Paul asked her if Elon made it out. With tears in her eyes,
3 she shook her head no. Paul had spent the last night of the
4 riot back-to-back with Elon in the rain, trying to encourage
5 him. And Elon, some 20 years older than Paul, had said, We'll
6 never make it out, Paul. And sure enough, he didn't. Paul
7 could not accept this good man's murder.

8 The people in power at that time really had no
9 right to do that to us. I am now 73 years old, and I still
10 cannot recall the happening of the riot without crying and
11 shaking. I can talk about our late son and smile over the
12 happy memories. But there are no happy memories concerning
13 the riot, only lies and pain. I cannot tell you the nights I
14 cried myself to sleep, saying the Hail Mary over and over for
15 the eleven hostages that died. Though I only knew some of
16 them personally, especially Billy Quinn, who was a student of
17 mine, a beautiful person, I prayed for all eleven of them. At
18 any time since 1971, if you were to ask me their names, I
19 could tell you. I would have to look up names of my son's
20 pallbearers, but not the dead hostages. Those eleven names
21 are forever engraved in my memory. Who could forget Herbie
22 Jones's smile, Billy Quinn's freckles, and John Monteleone's
23 quiet work in Cub Scouts? Elon Werner sold me the insurance
24 on my first car. I knew his wife and children. His daughter,
25 Sandra, was in my first fifth grade class.

TESTIMONY OF PAULA KROTZ

1 It has bothered me that the prison had no
2 trouble finding our phone number to call Paul to come to work
3 early on the 9th, or to call him to the prison to give
4 statements, and to call about the meetings at the Presbyterian
5 Church that Oswald testified that he could not recall, but
6 they could not find our number to notify us that Paul was a
7 hostage, or to inquire how anyone was doing and so forth.

8 We would get notice to go to Compensation
9 doctors, and that was another slap in the face. I was so
10 naive as to think that they would examine Paul and prescribe
11 something for skin eruptions that often covered most of his
12 body. They were not thinking of the patient. One particular
13 time, we went to a doctor in Rochester, one not easy to find.
14 And after Paul was admitted to his office, I stood up,
15 selected a magazine and sat down, prepared to read a while.
16 And he came back out. I thought he was going to another
17 examining room. And he said he was done. I said, Done? The
18 fee the doctor got that day was \$50. I suspect being a
19 Compensation doctor requires some kind of pull in order to
20 make that much money in so little time. I would really like
21 to know what their job description is, according to the State.
22 To me, nerves caused Paul's continual breaking out of the
23 skin, plus all that gas that he had been burned with, and the
24 itching that went along with it. He also had shingles at
25 least three times after that; again, a nerve condition. And

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1 along with this went nightmares. I woke him up many, many
2 times.

3 Paul received a letter from Governor
4 Rockefeller, commending him on his escape, with his name
5 misspelled. I said great, he might just as well have
6 addressed the letter, To whom it may concern.

7 Going back to that meeting at the Presbyterian
8 Church. I took the phone call saying there was to be a
9 meeting of all hostages and so forth, with Commissioner
10 Oswald. I was told to keep this information quiet, as they
11 were fearful that there would be attempts on Oswald's life
12 from various city factions, especially New York City blacks.
13 I recall Oswald so clearly at this meeting, which was crowded.
14 The men were told they had six months excused time, and they
15 did not have to report to work. Everything would go on just
16 as though they were there. And indeed, the paychecks were
17 identical to the ones they received before the riot. Paul, to
18 my recollection, never went after one. His sister, who worked
19 at the parole office, would bring it to him. There was
20 nothing on the checks saying Compensation.

21 That's why I questioned Paul about a letter
22 that came in the mail saying that, should he be awarded any
23 kind of settlement, there would be a lien against it to regain
24 Workman's Compensation that he had received. I asked him,
25 what Workman's Compensation? We weren't getting any Workman's

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1 Compensation. Did he sign up for or apply for Workman's
2 Compensation? He said, no, of course not.

3 Back to that church meeting. I remember
4 Allen Mills being there. At that time he was working in
5 Albany. I remembered an earlier time when he brought one of
6 his children to me in school and explained the child was
7 unhappy at the parochial school and was not doing well, and
8 how he would really appreciate my doing all I could for his
9 child; and indeed, I did. Years later, it was with dismay
10 that I discovered he had let the Attica people down, myself
11 included. As the Indians would say, he spoke with a forked
12 tongue. He attended WISCE meetings to be sure he kept up on
13 what the women were doing. Now, WISCE was an acronym for
14 Women in Support of Correctional Employees. This was a group
15 that felt they could make for safer working conditions at the
16 prison.

17 Never were we told that accepting a regular
18 paycheck would bar us from suing the State. I was working.
19 We could have gotten along on my paycheck if we had to. We
20 had a mortgage, but outside of that, no other big debts.

21 Paul had always been an affable person. I'm
22 sure many remember him for his smile, and that too began to
23 change. At times, it seemed like you had to walk on eggs
24 around him. So many times it was damned if you do and damned
25 if you don't. He was often short with the kids. I had always

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1 been the disciplinarian, he was so-easy going. The kids were
2 always happy to have their dad come home. Aaron could always
3 wrap his father around his little finger. After the riot,
4 they weren't sure how he would act. Often, it became his way
5 or no way. I turned the social calendar over to him
6 completely, as it became such an uncertain area as far as I
7 was concerned. Did he want anyone around or not? Did he want
8 to go somewhere or not? I couldn't read his mind. It became
9 easier to just drop it. As I said, welcome to the monastery.
10 Retire from the world if you wanted peace in the family.

11 After he went back to work -- he was advised to
12 do so by Dr. Bissell. That was the extent of Paul's
13 counseling, Dr. Bissell said, Go back there to work, face it.
14 He said, You can leave once you get there, but you have got to
15 go there or they will have concurred you. After he went back,
16 he worked in the visiting room. I believe that got to him,
17 got to be too hectic. And he tried nights and that was really
18 hard on him because, try as he might, he couldn't sleep days.
19 We even put a bed in the basement, thinking that would be
20 quieter all the way around, but he'd sleep a couple hours and
21 that was it.

22 There was one night when Paul went in to work
23 just as they were bringing someone out, covered in blood. He
24 turned around and came home. He did not go into the prison
25 for roll call. He said Paula, they will probably come looking

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1 for me but, he says, I'm not going in. We turned out the
2 lights and that was it. Before long, someone came and the
3 doorbell rang and rang and rang. But we didn't answer it. He
4 did not go back up there that night, could not.

5 For years and years, the sound of a helicopter
6 meant Attica. The sound of sirens meant Attica. The fire
7 whistle going off meant Attica.

8 How could a man who dutifully went to work and
9 did his job be rewarded with 4,000 rounds of live ammunition?
10 Doesn't the employer take on the persona of parent or
11 guardian? Were the actions of September 9th to 13th, and the
12 ensuing 30 years, the actions of a parent or guardian? No.
13 An arrogant, unfeeling State continued to be scornful towards
14 us. My husband, now deceased of a heart attack, is buried
15 within sight of the prison, only because our son was already
16 buried there. Otherwise, he would not have been buried there.
17 Both of them have gone to their graves without Attica being
18 resolved. And I sincerely hope I don't make it three.

19 Our children also had to endure all this. We
20 all felt guilty, and for no reason. We knew nothing of
21 survivor's guilt. Aaron's friend was Tommy Cunningham. He
22 witnessed Tom's family struggle with a stay-at-home mom now in
23 complete charge. I would see Mrs. Hardie walking to church,
24 holding the hand of now fatherless Billy. Friends went to a
25 baby shower for Nancy Quinn, they tried to be kind to her.

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1 She had to face giving birth to her daughter without her
2 husband. There were many, many times when I went into a
3 different aisle at the supermarket because I saw Ardyth
4 Monteleone. I needed to avoid talking to her and seeing her
5 and her kids. What made me better than she, that I got my
6 husband back and she didn't?

7 Our kids would ask, How is dad? Others would
8 say, How's Paul? Could you really answer that question?
9 Years later, my son always felt very uncomfortable near Bev
10 Lewis, a co-worker, and her children. I finally pinned him
11 down and said why. And he said, Because my father lived and
12 theirs didn't. My boys earned high school sports jackets with
13 Attica across the back. The only place they wore them was in
14 Attica. You wouldn't dream of going to a city mall wearing a
15 jacket that said Attica. When people asked where we were
16 from, the answer was often Buffalo or Batavia. People did not
17 associate Attica with a friendly village and town. To
18 outsiders, Attica meant the prison and all the injustice it
19 stood for during the '70s and since.

20 For a long time, I faulted Hank Herrick for not
21 telling Paul, Let's get the hell out of here, the morning the
22 riot began. Instead, he asked Paul to cover for him on the
23 second floor while he went to find some keys so he could let
24 some officers in from someplace else, I don't understand just
25 where. Shortly after that, Paul was struck on the head and

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1 taken to D yard. He said he spent so much time blindfolded,
2 that he said he began to hallucinate. Twenty-nine years
3 later, after the Forgotten Victims of Attica was formed, I
4 heard that statement from another hostage, Tony Prave. Paul
5 said being blindfolded with fires nearby was nerve jarring.
6 You never knew what someone was going to do. He said D yard
7 would settle down and then someone like Kunstler would be
8 allowed in the yard and it would erupt and go crazy again. He
9 began to think you absolutely had to get out of there, but
10 how. By the way, Paul never blamed Hank. He said Hank was
11 trying to do the right thing, he wanted to help his fellow
12 workers make it to safety. Now that I understand that myself,
13 I do not feel any animosity towards Hank Herrick. You do not
14 desert your own. The State of New York should have followed
15 that guideline. Service men are taught that.

16 We have testified in Rochester. We have
17 testified in Buffalo. We've had memorial services, ten years,
18 20 years, 30 years, and still nothing. They say the pen is
19 mightier than the sword. I really don't know. I wrote
20 letters here, there, everywhere. I wrote to the editorial
21 page. I wrote to the Governor. I wrote to the senators. I
22 wrote to assemblymen. I never got any satisfaction, so I'm
23 not too sure that the pen is mightier than the sword. Books
24 have been written. To me, the best and most honest one being
25 Malcolm Bell's "The Turkey Shoot". Still, we haven't found

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1 our justice.

2 We have tried not to lose faith in our
3 government, but it's difficult. Inmates have received a
4 settlement but, still, nothing for us. No I'm sorry, we
5 should have done differently, we could have done better, we
6 were wrong, we made gross errors in judgment, nothing. Only
7 tall tales to cover their mistakes.

8 During early September of 2001, we felt we were
9 making great progress. By we, I mean the Forgotten Victims of
10 Attica. And finally, people would know the truth. Because,
11 you know, there are so many misconceptions. People thought we
12 got a lot of money. People still think the inmates killed all
13 the hostages and so forth. Governor Pataki was actually
14 coming to Attica. And you know the rest, September 11th,
15 2001.

16 It's my prayer that this mantle of injustice
17 that has covered us since 1971 will be lifted, and in its
18 place will be honesty, truth, love, justice, peace and
19 forgiveness. We need to heal. When you have good,
20 law-abiding, hard-working people who treat others with honesty
21 and fairness, and then have such dastardly deeds perpetrated
22 upon you, it becomes a complete downer. Your faith in
23 humanity is dealt a horrible blow. It's an act you cannot
24 comprehend. This was done to us. And it was highly
25 compounded by the lies, the treachery, and the deceit, and the

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1 thirty-plus years of manipulation and heel-dragging, waiting
2 for us all to die or go away.

3 The State permanently altered our lives, both
4 physically and emotionally. They managed to destroy the type
5 of life we knew before Attica, and they seemingly continue on
6 that course. The expenses of the cover up would have done a
7 lot for prison reform and safer working conditions for the
8 employees, and a better life for the widows and their
9 families.

10 The Forgotten Victims of Attica have requested
11 five things from the State of New York. An apology. Much
12 heartache and lingering pain could have been avoided had the
13 State been up front about things right from the start. You
14 had a State spokesman announcing the hostages had been killed
15 by inmates, when he knew differently. Admit the bungling and
16 lies, and say, We're sorry, forgive us. It's not necessary to
17 continue this cover-up. You have been exposed.

18 Memorial, we absolutely need this. We have
19 received nothing else, at least let us remember and honor our
20 dead with dignity. This won't last forever, as each year we
21 too are joining the ranks, the rolls of the dead.

22 Counseling, better late than never. To date,
23 our greatest medium for healing has been the formation of the
24 Forgotten Victims of Attica. We have revealed feelings and
25 happenings to each other that have been hidden and have gnawed

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1 at our inner beings for decades. We tried to get together.
2 The first anniversary, we had a corn roast on that land that I
3 said Paul would spend time on. And it didn't work out. There
4 was somebody missing. We tried our best. And so we never
5 tried after that. And years later, one of the hostages
6 financed a dinner at the golf club and we all attended. It
7 was a little bit better that time, probably 20 years had gone
8 by, but it still felt wrong to us.

9 As for records, surely it's time to open what
10 is left of them. Should a child be denied the right to know
11 how his father died?

12 Reparations? Why not? How blind and unfit do
13 you have to be to not realize they are long overdue? How many
14 millions of dollars have been diverted elsewhere? How can
15 you, in good conscience, wait any longer? We cannot use it in
16 the grave. The other deaths and injuries were just as
17 wrongful as Herbie Jones' and the inmates'. To date, all you
18 have given us is salt for our wounds.

19 And I came to realize the power of the State
20 when so many people that saw what happened up there made no
21 mention of it. A young doctor who is a brother of a fellow I
22 graduated with from high school was one of the first to go in
23 after the retaking. And his brother said he came away shaking
24 his head saying, They have all been shot in the back. What
25 threat is anybody to you, when you shoot them in the back? I

TESTIMONY OF KAREN STROTHMANN

1 would say they are going the other way, they are not backing
2 up towards you.

3 Millions of Americans have Pearl Harbor and
4 September 11th, 2001, engraved on their psyche. We have Pearl
5 Harbor, September 11th and Attica engraved on ours. Each has
6 been horrific. However, Pearl Harbor was accomplished by the
7 Japanese, September 11th was accomplished by the terrorists.
8 But Attica was done to us by our own, and we have lived with
9 that illness since 1971.

10 Karen, you have a paper? Is it all right for
11 her to read hers now?

12 COMMISSIONER GOORD: Absolutely. You just have
13 to state your name and spell your name for the stenographer.

14 KAREN STROTHMANN: My name is Karen Strothmann.
15 S-T-R-O-T-H-M-A-N-N. And my dad was Paul Krotz and he was a
16 hostage. I was 15 at the time, and sitting in the morning
17 class at school when there was an announcement that school
18 would be closing early and everyone would be sent home. The
19 prison alarm was sounding, so everyone knew that there was a
20 problem there. My father was working that day, but I refused
21 to think the worst. It was later that I found out that dad
22 was a hostage.

23 My grandparents came out to stay with us. And
24 I remember crying on my bed for days and my grandfather trying
25 to console me. I was mad at the world that all those

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1 criminals had my father and that they may kill him. Attica
2 Prison was known to have the worst people in it, and many of
3 them were there for killing other people. Mom tried to
4 reassure me that they would not dare hurt dad, but I could
5 tell that she was too worried to truly believe it. So for
6 four days and nights we waited, cried, hugged each other, ate
7 very little, and cried some more. The weather turned cold and
8 rainy.

9 I saw my dad on television, blindfolded, with
10 inmate clothing on. He looked terrible, so did the other men.
11 The inmates looked so scary to me. They had football helmets
12 on and their faces were covered. They carried weapons. I
13 remember Mr. Cunningham on TV, saying that if the Governor did
14 not come to Attica, that he was a dead man. Well, if he would
15 die, so would my dad. I could not imagine why the governor of
16 the state would not come and help my dad. What could he
17 possibly be doing that was more important than getting my dad
18 and all of those other dads out of that wet, muddy hell hole
19 they were in? I would not know the real answer to this
20 question until I was much older.

21 Then, on the fifth day, the news came that the
22 state police and guards were going to storm the prison and get
23 the hostages out. I remember being relieved that someone was
24 finally going in there to rescue my dad. Then I remember
25 thinking, my dad had inmate clothes on, how would they know

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1 who my dad was and who were the inmates? I was sure that they'
2 must have thought about that. I could see and hear the
3 helicopters. The news said they were going to drop tear gas
4 and that would make their eyes burn. I waited at home with my
5 grandparents for what seemed like an endless amount of time,
6 and then heard the wonderful news that my dad was out. Some
7 of my family members rushed to the hospital to see him. I was
8 supposed to wait at home with my brothers and my grandparents
9 for him.

10 When he got home, he didn't look good, and was
11 very quiet. I was crying and I hugged and kissed him. He had
12 on a blue and white striped hospital gown and these green foam
13 hospital slippers. He was just sitting there with his head
14 sort of down, and his eyes were squinting. They must have
15 been burning from the tear gas. I was so happy dad was home
16 until I learned about all the other dads who did not make it
17 out of there.

18 Rumors fly in a small town about what some of
19 these inmates did. Later, those rumors turned out to be just
20 that, rumors. I remember feeling guilty that my dad made it
21 out of that mayhem, and other kids' dads did not, so I didn't
22 offer condolences like I should have. I just sat quiet and
23 didn't say anything to them. It was like no one was supposed
24 to talk about it. There were no counselors, or adult and kid
25 group therapy sessions. It was like we were supposed to act

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1 like nothing happened. My dad also did not talk about it.
2 Everything was kept bottled inside. My dad passed away in
3 1995 and I believe that being a hostage certainly had a direct
4 effect on shortening his life.

5 It has now been 31 years, and the State
6 cover-up has finally been uncovered. But the State is still
7 unwilling to make some sort of amends for killing their
8 employees. Yes, that's right. The very same people who I
9 thought were my heroes, were actually murderers, just like a
10 lot of the inmates inside the prison wall. The only
11 difference was the inmates were being punished and the state
12 police and guards were not. The State gave them their orders.
13 The State just went in the prison and started shooting
14 indiscriminately. They did not care who they shot. They did
15 not go in there to rescue my dad, like I thought. They did
16 not go in there to rescue anyone.

17 The State of New York has sat by and let this
18 fester for 31 years. Thirty-one years later, records are
19 still sealed. The cover-up is still lingering, even when the
20 truth is out. They changed the lives of people forever, and
21 do not care. They killed innocent dads, just doing their
22 jobs. Why is it that the lawmakers of today are not
23 correcting the wrongs of lawmakers of 31 years ago? Why is it
24 they are still covering up this tragedy? Why are they not
25 helping the hostages' families? These people are the last to

ATTICA TASK FORCE PUBLIC HEARING

1 be helped. Yes, the true Forgotten Victims of Attica.

2 COMMISSIONER GOORD: Thank you very much.

3 Anybody have any questions?

4 DEPUTY SPEAKER EVE: I want to straighten up
5 something here. A lot of you mention Bill Kunstler. I want
6 you to know, on Saturday, Bill Kunstler recommended that the
7 inmates give up and accept the conditions that the State had
8 agreed on. Okay? Bill Kunstler. I would not have had the
9 nerve to do what he did. Okay? He said, We've done the best
10 we can. He said, This is the best we can get. He said, I
11 recommend you accept it. Even though there were the people,
12 like Barclay and others who said, We want to passage to
13 non-imperialistic country and lot of other things. All things
14 weren't accepted. Okay. But what was accepted, Bill Kunstler
15 and the rest of us thought, and he was the spokesperson who
16 said, Accept it. Okay? Accept it. Because it could be a
17 little hairy in there. I could imagine if you got blindfold
18 on and everything else, it was a little hairy even worse.
19 Okay? But Bill Kunstler.

20 So you will note, we never asked the Governor
21 to come to the prison, never. All we said was, fly to the
22 Buffalo area, convey to the inmates that there will be no
23 physical reprisals once they gave up, that you will ensure.
24 Five of us offered to stay in the prison once the inmates gave
25 up, to observe what went on. Okay? Once they were -- and so

ATTICA TASK FORCE PUBLIC HEARING

1 it was never a question about Rockefeller coming and going
2 into Attica prison. Even if he had done it long distance,
3 because the inmates had set up a P.A. system in there where
4 you could speak and the whole yard, you could talk on the
5 telephone and they hooked it up and where you could be heard.
6 You gentlemen know in there --

7 MEMBER OF AUDIENCE: No, I don't know. May
8 very well have been, sir.

9 DEPUTY SPEAKER EVE: They had set up a system
10 if the Governor had spoken in there, it could be heard. All
11 we wanted him to say was there would be no physical reprisals.
12 Because Auburn, New York had something that same year,
13 earlier, and there was physical reprisals against the inmates
14 once they gave up. I went up to Auburn after that. And they
15 just wanted to know, you know, there would be no physical
16 reprisals. This thing could have been resolved. Okay? But
17 he refused to come, okay, and time went on, and the longer
18 time went on, things probably would get a little worse. Okay.
19 But this thing could have been resolved without any loss of
20 life on two opportunities. One, if Rockefeller had just
21 assured no reprisals, five of us were going to stay in there
22 and monitor it. Two, instead of shooting at the same time you
23 drop the gas, that you would have waited and see if the gas
24 worked and would have knocked everybody out so that you could
25 come in and get them. So I wanted to get the record straight.

ATTICA TASK FORCE PUBLIC HEARING

1 You mentioned Bill Kunstler. Bill Kunstler had more nerve
2 than I did.

3 COMMISSIONER GOORD: Thank you very much. We
4 are going to break for today at 4:45. We'll continue
5 tomorrow. We'll be getting a list first thing in the morning
6 and we'll proceed from there. We're starting tomorrow morning
7 at 10:00 a.m. Thank you very much.

8 (Whereupon the hearing recessed at 4:45 p.m.)

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