

## ATTICA TASK FORCE PUBLIC HEARING

1           (Whereupon the hearing reconvened at 10:00 a.m.,  
2           Friday, May 10, 2002.)

3                         COMMISSIONER GOORD: Morning, everybody. I am  
4           Glenn Goord, Commissioner of Corrections. This is the second  
5           meeting of the Attica Task Force. Senator Volker will be  
6           joining us in a few minutes. Assemblyman Aubry is here with  
7           me. Assemblyman Eve will be here momentarily. I would like  
8           to get started this morning.

9                         The next person we would like to hear from is  
10          Ann Driscoll, please. Good morning.

11                        (Ann Driscoll addressed the Panel.)

12                        ASSEMBLYMEMBER AUBRY: Good morning, again.

13                        ANN DRISCOLL: Commissioner Goord,  
14          Senator Aubry, before I begin, I would like to personally  
15          thank, on behalf of my family and myself, Governor Pataki, for  
16          allowing this to happen. It's a wonderful Governor we have  
17          that would allow us to finally right the injustices that  
18          happened to us 31 years ago.

19                        "A reporter's camera captures a young  
20          woman, dark hair falling past her shoulders and  
21          her face averted, while she waits outside a  
22          prison. Inmates deep within hold her husband  
23          hostage. The state police, retaking the prison,  
24          shoot her husband through the abdomen, and then  
25          try to convince the medical examiner that an

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1 inmate killed him with a spear. His death, and  
2 the deaths of 38 others, shock the nation that  
3 September 1971. As the years pass, no one  
4 answers for these deaths. The woman waits  
5 forever, as her husband fades from public  
6 memory."

7 The above was the first paragraph, entitled  
8 "The Turkey Shoot", written by Malcolm Bell. The woman to  
9 whom Mr. Bell is referring, I regret to tell you, is me. My  
10 name is Ann D'arcangelo Driscoll. I have waited almost 31  
11 years to talk with you.

12 My husband was John D'arcangelo. He was born  
13 November 11th, 1947. He was killed on September 13th, 1971.  
14 He was 23 years old at the time of his death. He was six foot  
15 one, weighed 185 pounds. He was a college graduate, majoring  
16 in psychology and minoring in history. He was my husband, a  
17 new father, the bread winner of my family. And most  
18 importantly, he was my best friend.

19 John, our three-month-old daughter, Julie, and  
20 I arrived in Attica in the early summer of 1971. I knew no  
21 one there except for him. I convinced him not to transfer to  
22 Auburn Prison, because Attica was rumored to be riot proof.  
23 In 1970, Auburn had a hostage situation, and I was so afraid  
24 something would happen to him if we moved there. A decision I  
25 would regret my whole life. For the past 30 years, there has

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1 not been one day that I don't think to myself, if only, or  
2 what if, regarding my husband.

3 In September of '71 we were living in Batavia,  
4 New York. We were finally living in a nice community, and we  
5 were saving to purchase a home in the area. The morning of  
6 September 9th started as usual in our household. John left  
7 for work with his paper bag lunch. And I began packing some  
8 things. We were leaving for Auburn the next day to visit our  
9 families. Around noon that day, I received the strangest  
10 phone call from my mom. She asked me if John had gone to work  
11 that day. When I told her that he had, she made up some  
12 excuse and hung up. Around two o'clock that afternoon, my mom  
13 showed up at my door in Batavia, making up an excuse that she  
14 just couldn't wait even one more day to see the new baby. She  
15 then told me she heard there was a little bit of trouble at  
16 Attica, but quickly added that since I had not heard anything  
17 from the prison, John was probably all right. John never came  
18 home.

19 Around midnight, I received a phone call from a  
20 chaplain at Attica. He had told me that he had spoken to John  
21 and that everything was okay, he had heard his confession.  
22 This was the way I was told John was a hostage. The next four  
23 days were long, filled with fear. The nights were sleepless  
24 and anxiety ridden, so trying that my anxiety passed to my  
25 baby, resulting in her severe restlessness, making it so hard

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1 for us those days. The morning of the 13th arrived. I  
2 watched helicopters, state police and National Guard readying  
3 themselves to wage war. It had rained heavily. And I  
4 believed that John's ordeal would soon be over. I had been  
5 told by a correction officer that the state police had a team  
6 of sharpshooters, and that if any inmate tried to hurt him,  
7 they would be shot. All of us here today know that that did  
8 not happen.

9 At 11:00 a.m. the morning of the 13th, I  
10 received a phone call from Attica Correctional Facility. They  
11 told me John was safe, he was alive, and he was on his way to  
12 an area hospital. They also told me to stay off the line  
13 because so many people were hurt, they weren't quite sure  
14 where he was sent. At 1:00 p.m. I heard nothing. I started  
15 frantically calling every hospital in the area, from Rochester  
16 to Buffalo, but no one had ever heard of him. I later learned  
17 that John never made it out of the prison, but was killed on  
18 the catwalk. At approximately 4:00 p.m., Warden Mancuso  
19 phoned to say that John had died. I was asked to go to some  
20 church basement and identify John's body. My memory of this  
21 place was that it smelled of blood and dirt. For about ten  
22 years, my entire family believed that somehow, no matter what  
23 we were told, the inmates must have gotten guns. And for some  
24 reason, no one wanted to tell us the truth. Because it defies  
25 logic that anyone would be killed by their own employer. The

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1 days following the riot were just as terrifying as  
2 September 9th. Several autopsies were performed and once  
3 again we waited for John to come home. The funeral was one of  
4 the worst realities I had to face. John was really dead.  
5 Julie was an orphan. And my best friend was gone.

6 A few weeks after the funeral, a group of  
7 well-dressed men arrived at my mom's house in Auburn,  
8 New York. Commissioner Oswald was one of these men. I  
9 remember feeling so sorry for him, because when he entered my  
10 mom's home, he offered her his condolences for the loss of her  
11 husband. When she corrected his misconception, he was  
12 speechless and embarrassed. He quickly got down to the  
13 business at hand. He handed me John's final paycheck and told  
14 me that I had to sign these papers he brought with him. He  
15 told me that these were documents that assured us that the  
16 State would take care of Julie and me for the rest of our  
17 lives. I didn't have a clue that by signing these papers, I  
18 would never be able to sue the State. Shortly after, I had to  
19 appear at a hearing for Worker's Comp. I was told at that  
20 hearing that once someone dies, they are no longer an asset to  
21 the family. The hearing officer awarded Julie and me \$36 a  
22 week. And those benefits ended when Julie was 16.

23 The months and years following Attica were  
24 filled with sadness, confusion and insecurity for me. The  
25 Worker's Compensation benefits were a nightmare. I got a job,

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1 went back to school and became a registered nurse. A career  
2 choice, a counselor would later tell me, was one of a helping  
3 profession, to fulfill an intrinsic need to save people, as I  
4 could not save the most important person to me.

5 In the early '80s I read that one Attica widow  
6 named Jones sued New York State and was awarded \$1.62 million.  
7 I can never understand how the State could possibly say that  
8 one man's life was worth over one million dollars, and John's  
9 life was worth \$36 a week. As the years passed, so did my  
10 faith in New York. Governor Carey had sealed the records of  
11 Attica and, with it, threw away my right to know the truth  
12 about my husband's death.

13 When my daughter seven years old, she came home  
14 from school in tears because two men from the Workman's  
15 Compensation Board had gone to her school and questioned her  
16 about her identify, a routine measure to assure that I was not  
17 frauding the State for that \$36. Due to this disruption of  
18 her class, her teacher explained to the class that Julie's dad  
19 had been killed in the Attica riot. Some children in her  
20 class then told her her father was a bad person, only bad men  
21 die in prison. She begged me to change her name.

22 For years, I became nauseated when I drove by a  
23 prison. Quite a difficult task when you live in Auburn,  
24 New York, and the prison is in the center of your city. In  
25 1989, I decided I had to face my fears and prove to myself

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1 that I could be a Christian. I applied and was hired by  
2 Auburn Correctional as a registered nurse. During my  
3 orientation at Auburn, the chaplain was explaining that any  
4 employee or employee's family should never talk to the press.  
5 He explained that it would put your life in jeopardy as a  
6 prison employee. With that, he pushed a button of the VCR and  
7 he said, This woman got her husband killed. And there was my  
8 picture, I was being interviewed in front of Attica. I was  
9 appalled. I quickly raised my hand and said, I think the  
10 state police killed that woman's husband. He realized who I  
11 was and turned off the set. Once again, the guilt set in.  
12 Not only did I beg John to transfer to the riot-proof prison,  
13 now I am being told I caused his death.

14 I quickly learned that I was employed by a  
15 system that was bathed in accountability. The inmates are in  
16 prison because someone out there made them accountable for  
17 their crimes. The security personnel are held accountable for  
18 the care, custody and control of the inmates. The medical  
19 employees are held accountable for ensuring that every aspect  
20 of medical care is given to those housing them. It seems to  
21 me that all personnel, from the maintenance men to the  
22 superintendent, are held accountable every day. So why was  
23 the State not accountable for their actions in 1971?

24 When John graduated from college, he was young,  
25 he was full of pride and hope. He leaned over and he said to

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1 me, I think I'm going to leave my mark in this world. I don't  
2 think he ever had in mind that his mark would be his blood on  
3 the walls of Attica. But he and ten others did leave their  
4 mark on the world. Because post-Attica, New York State led  
5 the country in prison reform, and continues to be the leader  
6 in correctional management today. In October of 1971, 28 out  
7 of 29 Attica rioters' demands were met by New York State. In  
8 December of 1971, the first candidates for correction officers  
9 attended a training academy at the state police, following  
10 with the establishment of the New York State academy in 1974,  
11 and this remains in place today. In January of 1972, the  
12 Inmate Liaison Committee was formed. In 1973, the CERT team  
13 was established. This Correctional Emergency Response Team  
14 now quells all potentially violent incidents long before they  
15 reach an Attica proportion. This was followed by the  
16 formation of the Inmate Grievance Act, signed into law in  
17 1976. In 1976, the 29th inmate demand was met when Governor  
18 Carey granted pardons for all the crimes committed in Attica  
19 in 1971. With this action, all my hope for justice was gone.

20 Today, under the direction of Commissioner  
21 Glenn Goord, all 70 correctional facilities in New York State  
22 have become accredited by the American Correctional  
23 Association, which tells us today, and the world, that New  
24 York State correctional facilities are under the highest  
25 standards of management. On a personal note, the most



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1 important thing that Mr. Goord has done for my family and me  
2 is the monument which stands in front of the New York State  
3 Department of Corrections Academy, which finally has told my  
4 daughter that her father was a hero. I am personally grateful  
5 to Mr. Goord for this. But I must tell you now that all the  
6 positive direction that New York State has taken over the last  
7 31 years, because of the Attica prison riots, the people that  
8 Attica really happened to, everyone seemed to have forgot.

9 Which bring me to the Forgotten Victims of  
10 Attica. We, the real victims of Attica, beseech New York  
11 State, please, open our records. Let us finally know the  
12 truth. Allow us to continue to have our memorial service on  
13 September 13th in front of the prison. Help those of us  
14 wishing to seek professional help for the scarring of Attica.  
15 And please, compensate our families, so that our children  
16 finally understand that men like John D'Arcangelo, age 23, has  
17 worth and meant something to this State.

18 In conclusion, I would like to read to you a  
19 letter written in 1971 by a civil court judge from Brooklyn,  
20 New York. A group of lawyers called the National League Guild  
21 was soliciting funds to facilitate the legal expenses of the  
22 inmates in the Attica riot.

23 Judge Morritt says: May I ask your  
24 establishment who they are soliciting funds for?  
25 Will the money be spent for the Attica guard that

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1           your clients murdered before their negotiations  
2           started? For the families of the ten murdered  
3           guards? For the medical bills for the injuries  
4           sustained by the surviving civil servants who  
5           were kidnapped by your clients when starting the  
6           riot? For the victims on the street of the  
7           convicted murderers, burglars and other assorted  
8           felons housing at Attica in 1971? It seems to  
9           me, Judge Morrith continues, that the silent  
10          tears of the real victims cannot be heard over  
11          the roar of the Attica rioters. When you collect  
12          funds of the real victims of Attica, please,  
13          don't hesitate to call me.

14                    Thank you.

15                    COMMISSIONER GOORD: Thank you very much.

16                    Ann Valone, please.

17                    (Ann Valone addressed the Panel.)

18                    ANN VALONE: Morning.

19                    COMMISSIONER GOORD: Good morning.

20                    ASSEMBLYMEMBER AUBRY: Morning.

21                    ANN VALONE: I probably shouldn't be talking  
22          here because I tried to prepare, but I really couldn't. I  
23          honestly can't expose myself emotionally any more because it  
24          just hurts too much and I can't do it. But I have got to tell  
25          you, I think that this whole thing is a farce. I really do.

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1 I sound like a very bitter woman and I guess I am. I really  
2 didn't try to raise my children that way. And I really can  
3 see all sides. And I have sympathy for all of maybe two --  
4 that's not even right. But anyhow, I just came here yesterday  
5 to watch the proceedings. And I thought the people were  
6 wonderful, with the things they had to say. And I thought  
7 that it was good for them if they could do that. And I  
8 thought it was good for me to hear that, because there's a lot  
9 of things they said that I have been wanting to hear and  
10 haven't been able to. And you know why? Because they  
11 couldn't even do it, apparently. And I appreciate what they  
12 went thorough to write this all down and come here and say it.

13 But I have got to tell you, Commissioner Goord,  
14 you were terribly bored and you were a distraction. I mean,  
15 people are here putting it all out. And you are wiggling  
16 around, talking to the various men. And two times you tried  
17 to tell them, Well, you don't have to read those letters and  
18 things, it will be in the record anyway, you don't have to do  
19 that. And I think that you men are doing this to look like  
20 the good guys and because we've made so much noise. But I  
21 don't think, you know, you really have any intentions.

22 Now, as far as the prisoners are concerned, at  
23 the time of the riot, even then I had sympathy for them. And  
24 I think my husband did too. Because there is terrible  
25 injustices and you could see it there. And I think when they

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1 were promised stuff and then nothing came across and all this  
2 stuff, I mean, you could see. That day, my husband, the night  
3 before, had gotten a call and people said to him, Don't go to  
4 work, terrible things will happen. Well, he was a  
5 law-abiding, honest man who tried to do the best that he could  
6 although -- he went to work. And it's really hard for me, the  
7 way he was dishonored. And he was dishonored, by the  
8 treatment, by the way things happened. Pretty soon, I mean at  
9 first, you know, my big worry is about the prisoners. These  
10 are murderers and so on. I mean, they're going -- I really  
11 had faith, I had faith that the officials' big interest was to  
12 save lives there. It's very apparent it wasn't. It was  
13 power, it was showing who --

14                   You know, I love New York. And I still love  
15 New York. But we been wronged by something in New York, my  
16 whole family. My children are bitter too. And I haven't  
17 raised them to be bitter like that, even though I had  
18 deep-seated feelings. I mean, I tried to explain to them.  
19 First they were hating the prisoners, and then they had to  
20 change from that. They couldn't believe all this. They all  
21 tried to escape this area. Because it's gone on 31 years.  
22 It's there all the time. Things come up, it's really  
23 horrible.

24                   Anyhow, to go on with this. I watched the news  
25 last night, Channel 7. And that really did it for me too. I

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1 mean, I had to leave here at two o'clock because I was going  
2 to be the one to go home and get the grandchildren and so on.  
3 So I didn't hear until later on about two good speakers that  
4 were here, Mr. Cunningham and Mr. Tenney, and they had  
5 something to say. Because I think people are just listening  
6 to us, trying to appease us, show that you are all good guys  
7 and we got -- whatever, I have had this for years. I don't  
8 expect anything much out of this, truthfully. And when I  
9 watched the Channel 7 news, first I saw Senator Volker, who  
10 said, Well -- whatever, I'm not quoting as you see -- tough  
11 cookies but New York State doesn't give away money. And then  
12 I watched the news announcer say, Now, people, you must think  
13 about this, because this is your tax dollars. You know.  
14 Well, it's our tax dollars too.

15 I also, I wished I could, you know I am so  
16 rattled that I can't find or do anything. I got more than one  
17 problem in my life. But I tried to look up a letter that I  
18 sent to Senator Volker. He sent me a copy of the letter that  
19 he had sent to Mr. Smith, the inmate, you know, that got the  
20 money. It's supposed to make me feel better because, you  
21 know, he's saying, you know, they shouldn't have got the  
22 money, blah, blah, blah. You know, I never felt that way. I  
23 never felt that way. Because those men, regardless of the  
24 fact that they started the lousy riot -- and I could  
25 understand some of that -- they were not treated right either.

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1 It's a terrible thing when the authorities with the power  
2 behave in the way they did and with the lives of the people,  
3 it power more. That's the kind of stuff that's really hard to  
4 take. And I didn't begrudge them a cent they got, and I still  
5 don't. Because for people that are supposed to be the  
6 authority to act in that way and then everybody to cover it  
7 up, push it down and then, even now, make us look like  
8 money-grubbing weirdos or something because we can't get over  
9 this.

10           You know, there is a lot of people that have  
11 tragedies. And I been told over and over again, get over it.  
12 But how can you get over something that just doesn't go away,  
13 and where there is this injustice, and where it's affected  
14 your family so much? I had teenage kids, particularly my  
15 daughter, who is very radical and whatever. And she was so,  
16 you know -- my husband was -- I guess I should talk about my  
17 husband, regardless. My husband was a handsome, dashing,  
18 wonderful man that had a lot of charisma. And he was the  
19 authority in the house. And when, you know, he was killed in  
20 this way, with nobody expecting it, it was really, really hard  
21 for me. Not only because I was so saddened but because,  
22 somehow or another, because I was the one left. You know, you  
23 have guilt. I should have this, I should have that, I should  
24 have been over there every day at the prison holding my  
25 husband's picture, so that the state police and everybody

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1 realized who he was and wouldn't have shot him twice in the  
2 back and the head. I did go there one day and spent the whole  
3 day with my sister and spent the whole day. And my some woman  
4 came and talked to us, and she had come there with the  
5 Assistant Commissioner. And she just talked to us all day  
6 long and was, you know, all this stuff. And you know, when  
7 Carl died, I never heard a thing from her. And that kind of  
8 hurt me too. I thought, she was just using me and finding out  
9 stuff, and she didn't care.

10 But anyway, all the way through, we have felt  
11 so frustrated, because everything that we try to do doesn't  
12 seem to work well. I mean, there were news cameras in here  
13 yesterday and they took a little bit here. But when the  
14 action got going, nobody was here. Today is the second day,  
15 well, there's a man with a camera finally. But, you know, we  
16 saw enough of all that, it's penny-ante, this is not going to  
17 work out, we're not really interested in this, we've just been  
18 forced into something here and we're going to try and look  
19 like the good guys. Well, if that's what happens, you are not  
20 good guys. And it isn't right.

21 And when you talk about those, the five points,  
22 let me tell you, way back when, it was really important to me  
23 because I'm one of these people that want to know about stuff.  
24 And I would, it would have helped me, I think, to be able to  
25 see what happened. Well, I didn't get to the trials because I

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1 had four kids, and was all, I didn't know if I could even do  
2 it. But I would like to have been able to see and understand,  
3 it's important for me. I never could. Now if they open the  
4 records, it's not going to be the same for me. But I think  
5 those records should be open to everybody, because people  
6 should know and understand. There is a lot of misinformation  
7 out there. A lot of people putting the blame, a lot of people  
8 don't -- it should be so that it doesn't happen again. You  
9 know, so that some of these things are improved. I think they  
10 are trying.

11 Now, listen, my family was so traumatized. And  
12 I didn't, you know it was hard for me to manage them because  
13 the authority figure wasn't there. And they felt, my daughter  
14 in particular, that I should be doing things. Well, hey, I  
15 wrote letters, I tried to get a big-time lawyer who wasn't  
16 interested. This was penny-ante to everybody. I tried a lot  
17 of things but it never worked out for me. Anyway, a lot of  
18 resentment with my kids for me. They finally, finally, got  
19 over it a little bit with the Victims. Because they have  
20 realized that other people were as snowballed as I was, and  
21 people who were around more, knew more, were more intelligent  
22 or whatever. And I have been forgiven a little. But for  
23 years they felt like I didn't do what I should have to let  
24 that and to let this, and I should have, I should have, I  
25 should have. And I had this feeling too, you know.



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1                   But anyway, my husband. Good man, law-abiding,  
2 always tried to do, you know, right thing. And my kids, maybe  
3 not all my kids, but there was definitely an attitude that  
4 happened to them because of this, that they got really  
5 anti-authority, anti-authority. And in something I read that  
6 Mr. Volker wrote, he said, What do they want, or something  
7 like that, they got insurance coverage. And I lobbied, if you  
8 want to say it, I pressed everybody. Because at the time, I  
9 was really worried about finances and how I would manage. And  
10 somehow or another, they did give the insurance. Not that  
11 everybody got the best and right down, whatever you had, you  
12 were going to keep. Well, that was a big fat lie, because we  
13 had dental and they did dump dental and everybody had  
14 different. I mean, it was really kind of ridiculous. The  
15 children, some good, kind person said the children would get  
16 education. Well, you know something? My kids didn't even  
17 appreciate that New York State education. They felt, they  
18 were so, and still are, so hurt by all of this that --  
19 Mr. Volker wondered why we weren't appreciative. That's why  
20 we weren't appreciative. We didn't figure it made up for what  
21 happened to the dad and to our family, really.

22                   Now, I don't know, as far as points here, the  
23 five points. I mean, you talk about -- I don't know, I've got  
24 stuff, I been writing stuff. I should have the letter that I  
25 wrote to Mr. Volker that he never got because of I don't know

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1 why. But I couldn't even find it. I am just so, but that  
2 said a lot of what I wanted to say. Anyhow, the points, I'm  
3 trying to even think what the five points are. As far as  
4 opening the records, I mentioned it.

5           Reparations, this is a hardy-har. No, you  
6 could never, ever, give me enough money to make up for what  
7 happened to my family, not at all, and the tax payers,  
8 including us or anything else, but I sure think you ought to  
9 try to do something, because it isn't right. I don't know if  
10 it would heal, but it would be something here.

11           And counseling. Listen, I took my kids for  
12 counseling right from the word go, when I saw there was, you  
13 know, trouble here. But maybe it's because it was 1971,  
14 people didn't understand or the counselors, I don't know what  
15 it is. But if you are getting counseling now, it better be  
16 somebody who understands and knows. I took my son Carl for  
17 counseling and went through this whole deal. And the  
18 counselor said, Well, there is no sense you bringing him in  
19 again because, he said, he just isn't receptive and we're very  
20 busy and we don't have the time. Now, if anybody needed  
21 counseling in this whole wide world, it was my son Carl,  
22 who -- I wasn't going to get into any family stuff, but maybe  
23 I should a little. He was ten, he really loved his dad so  
24 much. And come to find out, I never knew -- and I don't feel  
25 real guilty for being stupid because his brother and sister

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1 who are older never knew either -- that at that time, I don't  
2 know whether they were sympathetic or what, but they gave him  
3 drugs. Older kids gave him drugs. My kids even, they never  
4 knew that for a real long, in fact, we never knew until just a  
5 few years, when Carl was home and told us. And that was just  
6 shortly before he hung himself. So, I mean, I tried. I gave,  
7 my daughter Marianne went for counseling. And, you know, it  
8 isn't all just Attica, we've had other things.

9           But Attica, and this, and here we go again in  
10 my opinion. We're going through this with men, I think, that  
11 have mostly made up their minds. And I don't know, but what  
12 else is there here? An apology. Listen, We're sorry this  
13 happened to you just ain't going to do it. It isn't going to  
14 do it at all. I don't know what you figure would be an  
15 apology, but by gosh it's got to be something that makes us  
16 feel, you know, some kind of resolution to this thing.

17           And, naturally, the continued services out  
18 there. When there are people that still want to go, it should  
19 be honored. I mean, the year that my daughter came home and  
20 went over to the prison to find when the services were, and  
21 they said, Well, the Correctional Department doesn't want this  
22 anymore. I hope that doesn't happen again as long as there  
23 are people -- and it's not just for us. I mean, I really  
24 think that people, it ought to be open. People ought to  
25 realize so that, you know, something like this doesn't happen

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1 again. And it is still happening. I still feel really  
2 revolted by things that are happening there.

3 Mr. Goord, I'm sorry, but that's just the way I  
4 felt yesterday, like it was boring you, this is something you  
5 got to do, you want to get this over with. And, you know,  
6 that just -- and you know, there is so many things. I got  
7 pages and pages of things I was going to say and all these  
8 horrible things that came up, you know. But I just can't do  
9 it. But I hope, I hope that all that we've gone through,  
10 these meetings, which have been helpful in some way but have  
11 been very hard in other ways, and all this stuff, that somehow  
12 or another there is some kind of justice and healing, and some  
13 kind of open information, so that people in authority, like  
14 you gentlemen, and the press and so on -- and I resent the  
15 press too for that, I mean, come in, look at a couple of  
16 things and then say, Well, you know -- I can't believe it, I  
17 can't believe it, that we're going through all of this for  
18 that kind of an attitude from the community or whatever. And  
19 it must be, where is it coming from? Just you men and the  
20 news media? Or is it, I know nobody wants to hear this  
21 anymore, it's an old issue. But it's an issue that's here.  
22 And as long as I'm alive, anyway, and I think there's a lot of  
23 other people, it's, you know, a bad thing. Thank you.

24 COMMISSIONER GOORD: Thank you. Let's take a  
25 ten minute break.

## TESTIMONY OF RON KOZLOWSKI

1 (Whereupon there was a brief recess.)

2 COMMISSIONER GOORD: Mr. Ron Kozlowski, please?

3 (Ron Kozlowski addressed the Panel.)

4 RON KOZLOWSKI: I wasn't here this morning.  
5 You know, accreditation. I had to work this morning.

6 COMMISSIONER GOORD: Well, thank you for that.

7 RON KOZLOWSKI: My name is Ron Kozlowski, and I  
8 work at the Albion Correctional Facility. I have been there  
9 since August of '73.

10 DEPUTY SPEAKER EVE: Can you spell the last  
11 name?

12 RON KOZLOWSKI: Yes. It's K-O-Z-L-O-W-S-K-I.

13 I started working for the Department of  
14 Corrections July 13th of 1967. I worked at the switchboard,  
15 nights, because I was going up here to Rochester Business  
16 Institute during the day. And January, then on January 29th  
17 in 1968, I went into the military. Came back out; being Tier  
18 I, I kept my same retirement number, so those three years  
19 counted toward seniority. This July 13th, I will have 35  
20 years in. 489 to go, in case anybody was wondering.

21 I started back to work. I got out of the  
22 service, I was in Vietnam. I had just got back from Vietnam a  
23 few months before I got out of the service. I got out of the  
24 service July 28th of '71. And I started back to work in  
25 Attica February 1st of '71. And naturally, when I went back

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1 to work, I started, I was working in Industry, in core craft.  
2 And I was doing purchasing for the metal shops, for the metal  
3 and stuff that we did, and checking the freight bills and  
4 stuff. When we didn't have our own trucking unit, trucking  
5 people, the Nestor Brothers was doing it. We were working on  
6 that and stuff. That's where I was working, in the office, on  
7 September 9th.

8 Almost took off, because September 11th is my  
9 birthday. Okay. Almost didn't go in. And my wife fixed me  
10 coffee that day and everything else. I really didn't feel  
11 like going in, but I went in anyway. Once I was there, I  
12 walked through the front gate, they unlocked it, the officers  
13 that unlock the gate on inside of the front gate. Then you  
14 walk back outside, up to the lobby, they had to unlock the  
15 lobby to let you in, they had to unlock the arsenal to get  
16 your keys.

17 STENOGRAPHER: I'm sorry, sir. I need you to  
18 slow down and go back.

19 RON KOZLOWSKI: Went into the front gate.  
20 Okay. And then you would come to the other side of the front  
21 gate, which you would have to go outside. They unlocked the  
22 door to let you in the facility, walk across the sidewalk,  
23 which is outside, upstairs to another door that is locked, and  
24 they have to let you in there, because this is the lobby.  
25 Once you are in the lobby, no matter which way you go from

## TESTIMONY OF RON KOZLOWSKI

1 there, you have to unlock the doors. Once you have punched in  
2 and got the keys, they unlock the gate to let you go from the  
3 lobby part to A block, which, again, they let you in there,  
4 the door is slammed closed behind you, they lock that, walk to  
5 the other side, unlock the door on the other side, let you in  
6 to A corridor, the tunnel that leads up to Times Square. When  
7 you got to Times Square, there is another set of gates, one on  
8 each side of it. From there, we went up to B block and there  
9 is another is set of gates on one side and another set of  
10 gates on the other. And around the corner, another set of  
11 gates, and then a locked door, which led us upstairs to the  
12 office where I worked.

13 Now, usually, being, at that time I was -- I  
14 was what -- I was 23 years old. Most of the time, back  
15 through there, you know, from the male inmates, you get the  
16 cat calls, you get the whistles, the remarks, you know, they  
17 would make towards you. You are young. That morning, when I  
18 walked, you could have heard a pin drop. It was rather quiet  
19 as compared to what it usually was down through there.

20 We were working for, I don't know, an hour or  
21 so maybe, before the whistle started blowing at the power  
22 house. At that time, I had only been back to work -- I had  
23 only worked six months before I went in the service and I had  
24 only been there eight months since I got back from Vietnam.  
25 At that time, they didn't have much of the training and

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1 everything, what meant what and everything else. So I wasn't  
2 really sure what it meant. We walked outside the office and  
3 looked out the windows down into the yard in front of the  
4 power house, and there was a couple inmates running around out  
5 there. Didn't know what was going on. Went back to the  
6 office. We were up on the second floor, so we had a pretty  
7 good view of what was going on. There wasn't much activity  
8 going on. The inmates were working in the paint shop and were  
9 standing around and milling around sort of nervously maybe.  
10 We went back in the office to see if there was any word of  
11 what was going on and nobody had, there was no phone calls or  
12 no nothing as to anything that was going on.

13           Then, eventually, you could hear inmates  
14 yelling and coming through, and a little crashing going on  
15 through the paint shop. They came into our office and told us  
16 we had to go with them, at which point, we came back out of  
17 the office. From what I remember, it was pretty messy up  
18 there in the paint shop. When we got to the stairs on the  
19 other end of the building, you go down into the hallway. One  
20 of our foremen was there leaning against the wall, he had a  
21 split on his head. They continued taking us on down the  
22 stairs and into the hallway. And all the time, they had  
23 grabbed me by the tie, they were dragging me around. They  
24 grabbed my glasses and threw them. The first chance I got on  
25 the way down the hallway, I took my tie off because they were



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1 using it to lead me around.

2 By the time we got down into B block,  
3 everything was upside down, officer's desk was gone in B  
4 block. From B block to Times Square is maybe a hundred yards  
5 long. There was inmates on both sides of the hallway when we  
6 ran down through there. They used mop handles, two-by-fours,  
7 shovels, wood, whatever they could grab their hands on. When  
8 we ran down there, it was like running through a gauntlet. We  
9 got thumped up pretty good. My head was lumpy, I had bruises  
10 and contusions on my arms and across fingers where I was  
11 trying to block being hit and stuff.

12 (Pause.) I should have been reading this,  
13 because I got ahead of myself now. I already said all that.

14 Okay. You could smell smoke from B block down  
15 through, you could smell smoke filtering around. At this  
16 point, they started taking things like my wallet, my car keys,  
17 my prison keys, eyeglasses, anything that was in my pockets.  
18 And right then I was thinking then I was going to die. I had  
19 just gotten out of the Army eight months ago, I had a term of  
20 13 months in Vietnam. I knew this was bad.

21 Once they grouped us together there with the  
22 officers they had there, with other hostages, we left B block  
23 area down the hallway they refer to as the tunnel, led us  
24 towards Times Square. Times Square, we went down the tunnel a  
25 little further towards D block. And about three-quarters of

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1 the way down D block, they took us out a door, into D yard.  
2 Once we were in D yard, there was already a lot of other  
3 inmates out there, running around in sort of a confused  
4 manner. This was outside and confined area where the inmates  
5 go do exercise in a recreational area. I noticed that the  
6 iron gate normally that was locked was broken down or unlocked  
7 from the keys from the officers. A total of six gates used to  
8 be in that path from the office to where we went.

9 By the time we got to the doorway into D yard,  
10 I was suffering lumps, bumps, bruises and cuts all over my  
11 head, arms and shoulders. Once we were in the yard, we were  
12 turned over to another group of inmates. Inmates told us they  
13 were Black Muslims and they were there to protect us. They,  
14 in turn, tied my hands behind my back and legs together and  
15 blindfolded me. Every one of the hostages received the same  
16 kind of confinement. We were set in a circle, more or less  
17 back to back. And Muslims formed a circle around us to  
18 protect us from the hundreds of other inmates who wanted to  
19 hurt or kill us. This is because they needed us later for  
20 insurance. They wanted to protect us.

21 It was still Thursday morning, and little did  
22 we know that we had four more days of fear and anxiety to  
23 face. Being blindfolded made every other sense heighten. If  
24 you are blindfolded with your hands behind your back and you  
25 hear noises, you don't know if somebody is coming through, you

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1 don't know if somebody is just bumping into you that's maybe  
2 sitting next to you. Everything little noise, every little  
3 thing means more. Your mind works a hundred times faster.  
4 Judging by the sounds -- We could hear sounds, like an inmate  
5 trying to get through the circle, yelling that he wanted to  
6 kill one of the pigs. Judging by the sounds, you could say it  
7 was quite a good size scuffle that went on when they tried to  
8 stop him coming through that circle that was protecting us.

9           They tried to feed us at least once a day. I  
10 think some of the stuff, between mess hall and, I think, they  
11 had some stuff out of the civil defense supply, stuff like  
12 candy, or little pieces of candy and stuff, special little  
13 candies for carbs, I guess. I don't know what they were.  
14 They untied us and escorted us to use the bathroom, if you  
15 could go. We usually went one at a time. But who could  
16 actually use these facilities for that very short period of  
17 time?

18           Usually it was at night, when it was dark, we  
19 got to take our first look at what was going on in the yard.  
20 It was surprising how much control was in effect in the yard,  
21 for all the people that were out there. They had campfires,  
22 make-shift tents, barricades and whatever else was loose to  
23 construct everything that they had constructed out there in  
24 the form of shelters. Hundreds of inmates which had their  
25 whole head wrapped in towels or sheets, all you could see is

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1 their eyes. I guess it was so nobody could recognize them if  
2 you wanted to press charges, or so you didn't know who they  
3 were. It looked like a refugee camp that you see on TV from a  
4 third world country.

5           It was very scary and not very positive about  
6 ever getting out of there alive. The longer the negotiations  
7 took, the longer they waited to take the prison back over, the  
8 more time inmates had to prepare and ready for the upcoming  
9 retaking, if there ever was going to be one. All of this ran  
10 through your mind in a mere few seconds. Then you allow  
11 yourself to fall back into your dark little world, wondering  
12 about every little sound. Somebody would bump into you and  
13 you would jump in fear, not knowing if it was an inmate coming  
14 through the circle after you, or another hostage stretching or  
15 trying to get comfortable. Being blindfolded all this time,  
16 you could see things, like the wallpaper and the ceiling. I  
17 can remember that I was remodeling the house at the time, and  
18 you can see, I don't know why it came to me then, but you  
19 could see the cracks in the paper that needed to be spackled  
20 up. It was amusing the way you can picture things that needed  
21 to be done. I could see images of my wife, I was only married  
22 for about a year at that time, wondering if I would ever see  
23 her again. My parents, whom I know were worried about me and  
24 I couldn't even let them know I was all right. I knew I was  
25 going to die eventually, it was inevitable. Daytime,

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1 nighttime, daytime, nighttime, the knot in your stomach never  
2 seemed to cease.

3           Two days later on September 11, '71, it was my  
4 birthday. I turned 23 in the yard, not expecting to get much  
5 older. My fellow birthday partner, Gary Walker, his birthday  
6 was the same day we found out then when we had coffee together  
7 in the morning. This created maybe sort of a, maybe more of  
8 bond between us than what we had before. Also came the news  
9 of the first casualty of the prison rebellion. Officer Billy  
10 Quinn had died as a result of the injuries he had suffered at  
11 the hands of at least two inmates.

12           Two more days passed, trying not to let the  
13 taunting and the not knowing what was happening get to us. We  
14 had a lieutenant that was a hostage with us, said he could  
15 make it out of there at night while it was dark. We talked  
16 him out of that idea. There was too many people out there.  
17 We had to hold him back at times. Meanwhile, the inmates were  
18 building make-shift housing, digging holes, making bunkers,  
19 making weapons, trenches to use for protection from the  
20 retaking, if that was ever going to take place. Grinders were  
21 running, you could hear grinding, see sparks sometimes. The  
22 different areas were barricaded so as to stop opposing forces  
23 from entering the domain from the correction officers, state  
24 police and other law enforcement agencies. Rumors were  
25 running like crazy every day about the retaking, but still

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1 nothing happened. We were really looking forward to getting  
2 out of there in one piece. So far, from the morning of  
3 September 9th to the evening of September 12th, a total of  
4 approximately four days, the inmates had done nothing except  
5 talk with the negotiating team and some of the people they  
6 wanted brought in for the talks. Digging in, making more  
7 weapons to use against any personnel coming in, retaking the  
8 prison.

9                   The night of September 12th it was a little  
10 different than the others. The inmates seemed busier and more  
11 edgy. The night was louder and scarier to me than some of the  
12 other nights that we were there. More inmates seemed like  
13 they wanted to come in that circle, and they were yelling and  
14 threatening, yelling threats that we could hear. I think the  
15 murder of Correction Officer Billy Quinn was really starting  
16 to take its toll. And I think inmates were afraid we would  
17 fight back during the retaking of any kind, so they wanted to  
18 separate us as much as possible. Or maybe they were  
19 separating us for another reason. I don't know. Everyone  
20 that was there was awake most of the night. Everyone seemed  
21 to be getting, to be tiring from lack of sleep and therefore  
22 getting more edgy. Plus, now it had been raining for a couple  
23 days and everyone was getting uncomfortable. This in  
24 conjunction with the negotiating not going the way they  
25 wanted, lack of sleep, and being hungry, all developed

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1 attitudes and flaring tempers amongst the inmates that were in  
2 the yard, plus talks of the retaking happening really soon.

3 As daylight started approaching on the morning  
4 of Monday, September 13th, the whole area was different.  
5 There was a lot of different nervousness and activity amongst  
6 the inmates. Rumors were spreading again about the retaking  
7 of the prison. Most inmates believed the correction officers  
8 were going to come in, not realizing the officers were few in  
9 numbers. They were only going to be to identify the hostages.  
10 But there were numerous state police and sheriffs and Army  
11 National Guardsmen.

12 Again, on the morning of September 13th, it was  
13 dark, dreary, drizzling. Still being blindfolded, trying to  
14 figure out what all the confusion was. I was getting scared,  
15 nervous, and my stomach was in a worse knot than before. You  
16 knew something was going on. Pretty soon, some of the inmates  
17 came over to the hostage circle and just started saying, you,  
18 you, you. And when they got to me, I felt somebody tap me  
19 when they said you. So I had to go up and go with them. They  
20 stood me up, I was still blindfolded, my hands were tied  
21 behind my back. I guess they picked out certain hostages for  
22 certain reasons. I don't know how they picked us, but they  
23 did. We were to be used as insurance to deter anyone from  
24 trying to retake the prison. The digging sounds we heard, I  
25 remember getting placed in a pit or trench, and it was a hole

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1 that was dug anyway. And they said that if anybody was going  
2 to come in, that they were going to, they were going to burn  
3 us. They were going to put gasoline soaked mattresses in the  
4 holes and they were going to burn us down in the holes. At  
5 that time, there was another inmate come over and said that  
6 this wasn't a good idea because we were in the yard, we were  
7 in the hole, it wouldn't be very easy to see us. So they took  
8 us out of there.

9                   Still being blindfolded and hands tied behind  
10 my back, we were made to, I don't know if it was a make-shift  
11 ladder or some kind of ladder to get up to the top of the  
12 catwalks, to the top of the tunnels, where people would see us  
13 better. People were pushing from behind and were reaching  
14 down from above helping you up. Once we were up there,  
15 evidently we were assigned, somebody was there, inmates were  
16 there with us, you know. And judging by, they were talking, I  
17 would say that there was two by me, they were talking back and  
18 forth, and telling me now that we're higher, the law  
19 enforcement, it would be easier for them to see that they  
20 meant business, and they would kill me before they could do  
21 anything about it. Then there was a wait. Every time a  
22 helicopter flew over, the inmates had me by the, one would  
23 grab me where my hands were tied. I was blindfolded. He had  
24 his other hand over my throat and he would turn me and turn me  
25 to keep me in between him and the helicopter that was flying



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1 over. This happened two or three different times while I was  
2 up there. Between times, one of the inmates kept yelling how  
3 he couldn't wait to kill me. And at that point, you know, I  
4 asked him, Well, why? I said, I'm not even a correction  
5 officer, I was just brand new, civilian. And he said, You're  
6 white, ain't you? Then a little while later, after describing  
7 how he was going to cut my throat ear to ear and pull my  
8 tongue out of it, make a necktie. They were laughing. Then  
9 they combed my hair and told me they wanted me to die pretty.  
10 A little while later, asked me if I was scared, I said yes.  
11 And gave me a Tums and said, Eat this now and don't worry, in  
12 a little while it will all be over with anyway.

13                   Again, the helicopters circled and left.  
14 Again, I was used a human shield. A helicopter came in again.  
15 This caused a lot of panic and a lot of movement and a lot of  
16 yelling from the inmates, every time the helicopter was coming  
17 in. Evidently, the helicopter started dropping the gas.  
18 Because just as I started noticing the smell of gas, I was  
19 grabbed, whipped around, with a knife or whatever at my  
20 throat. The inmate crouched down behind he. The way he was  
21 crouched down, I could feel the nose, you could probably only  
22 see about this much of his face. (Gesturing.) At that point,  
23 I felt his hand hit my throat. And the sounds of gunshots  
24 commenced. It was very, very intense, it was like rain. I  
25 fell to the floor, the roof of the tunnel that I was standing

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1 on. And you could hear fire, you could feel the cement chips  
2 hitting you in the face as they were ricocheting off all that  
3 concrete. It was pretty intense up there. The inmate wasn't  
4 holding me anymore, so I dropped to the floor, curled up in a  
5 ball and laid still. The bullets were coming like rain, still  
6 feeling the cement chips hitting my face, and sounds of  
7 different types of guns, shotguns, maybe rifles or pistols.  
8 And I was scared to death.

9           Eventually, the gunfire was more sporadic. I  
10 managed to free my hands. I feel it was because of the way  
11 the inmate used his left hand, it might have loosened them up  
12 enough where I finally wiggled my hands out of them. Just as  
13 I got them loose, I heard footsteps running towards me. At  
14 that point, the footsteps got real close, and I got grabbed by  
15 the arm and started to get picked up. At that time, I came up  
16 off, I swung one from my socks. Okay. I hit this guy. And  
17 all I could hear him say was sort of a muffled, It's okay I'm  
18 a Trooper. I lifted my blindfold, he was sitting there with  
19 his gas mask off to the side of his face. I figured, I'm  
20 going to jail. My first thought, you know.

21           At that point, he picked me up and he got up  
22 and he ran me across the tops of the tunnels, over towards the  
23 hospital. Took me outside there. I still had on my civilian  
24 clothes, I had on a gray inmate shirt over the top as a jacket  
25 because of the rain and cold. And as we got outside in front

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1 of the hospital, he ran, the two troopers that were at the  
2 ambulance started towards me with their sticks. The trooper  
3 that had me said it was okay, he's a hostage. And they put me  
4 into the ambulance, where I rode with John Smith, John  
5 Stockholm, rather, and Art Smith. And even at that time, when  
6 that trooper running towards me with a stick out, I shrugged  
7 away from this trooper and I took off the gray shirt. And  
8 that's when I realized I was blood from my chin to my knees.  
9 I didn't realize I had been cut. I didn't realize, because of  
10 the gas, I didn't realize anything.

11 At that time, you had to picture the guy trying  
12 to compress on my throat in the ambulance, with me, John and  
13 Art in that ambulance soaked with tear gas. And at that time,  
14 the ambulance was like the Cadillac station wagon, it wasn't  
15 one of the big box ambulances, you know. He had a pretty  
16 tough time. He was trying to put the compress on and he was  
17 like, tears were forming, he couldn't see, couldn't breathe.  
18 So it was a pretty interesting ride the rest of the way.

19 When I got to the hospital, they took me to the  
20 emergency room. Dr. Bowen was in there. He took me to  
21 emergency and he put 39 stitches in my throat. He said that I  
22 was lucky because it was a quarter-of-an-inch from the jugular  
23 vein, an eighth-of-an-inch from the windpipe. And as he tried  
24 to fall, it left a scar all around my neck and back up into my  
25 hairline. And again, as he was falling, he cut me once more

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1 across the shoulder blade.

2           Then my mom and dad met me there and they  
3 picked me up. And he to drive with his head out the window  
4 because in the car it was so strong. I still didn't know.  
5 But it was a long ride to Attica anyway, it seemed like. But  
6 finally, I was home. Took a shower, then a bath, got into  
7 some clean, dry clothes. The next few days was hectic with  
8 friends and everything else.

9           I didn't know then that the rest of the torment  
10 was yet to come, 20 years or better of recurring nightmares,  
11 waking up in a cold sweat. The reneges of the State officials  
12 on items like pay and time-off-with-pay allocations,  
13 transferred positions and all this other stuff they promised.  
14 And most of all the divorce from my wife and my two sons.  
15 They were my life and my pride and joy. I have had some  
16 memories that were good and some that were bad. My whole life  
17 now has been discouraging. I had a second divorce, different  
18 promotions at work. I bought a house but didn't have any  
19 money after the two divorces and the bills, and everything  
20 else. It has just been on-going. I have a relationship now,  
21 a pretty solid one, for the last four and-a-half years.  
22 Still, she lives in Hamburg, I live north of Albion. It's not  
23 right, you know.

24           And with my two sons, every time, if I went  
25 down to the store for bread, if I went to the bank, they were

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1 with me. Everywhere I went, they were with me. After the  
2 divorce, I couldn't have them if there was a family function  
3 going on. She held me pretty personal because I was, I was a  
4 wreck. I had a whole new outlook on life after Vietnam, after  
5 the riot, and she couldn't take it. And she moved out and  
6 filed for divorce. She would do things like, I couldn't have  
7 the kids if there was a family function going on. So she  
8 would tell me they were going to her mother's for dinner on  
9 Sunday so I can't have them that weekend. I would say, fine.  
10 She would take the kids, dress them up, get their coats on,  
11 get their bags backed and have them standing in the window,  
12 have them waiting for me Friday night, even though she told me  
13 not to come. It drove us apart.

14                   Within the last, I'd say six years, six to  
15 seven years, I've just started getting a relationship back  
16 with them. My father had died, my mother just died last  
17 month. And my two sons, and my one son has, I've got two  
18 grandsons. And my newest grandson just turned four months.  
19 Here about a month ago he was in the hospital for two days  
20 because he had gotten sick and was dehydrated. They didn't  
21 even call me and tell me that he was in the hospital for the  
22 two days. Then, last weekend, last Monday, Monday before  
23 last, he called me up and forgot, told me he was sorry but he  
24 forgot to tell me that my grandson got christened. You know,  
25 we still haven't got that, I don't know, the closeness we

## TESTIMONY OF RON KOZLOWSKI

1 should have.

2                   Also, into the drinking thing. Okay. I  
3 started, you can stop after work have a beer or two and go  
4 home and everything, you know. Eventually I ended up, in a  
5 period of ten years, I had like four D.W.I.s. They sent me to  
6 Park Ridge, here in Rochester for, they have a branch in  
7 Albion. And they weren't happy because I would not say, My  
8 name is Ron Kozlowski and I'm an alcoholic. I knew I wasn't,  
9 you know. But eventually, and this is maybe six and-a-half,  
10 seven years ago, I met this Mike Raskin. And he is an  
11 excellent counselor. And he diagnosed me with post traumatic  
12 stress disorder. Since working with him, everything is fine.  
13 You know, didn't have to go out and have that one and then  
14 subconsciously say that, Well, you are sort forgetting, to  
15 keep drinking, to keep drinking. It just led to all kinds of  
16 troubles and money and everything else. To this day, if I  
17 didn't keep my lawn mowed, you would swear my house was  
18 abandoned, because I haven't had the money and stuff to work  
19 it up, and the ambition or the get-up-and-go to really do  
20 anything on it. Mainly between the two divorces and the kids  
21 and now with the grandkids and everything else, it's really  
22 hard.

23                   As far as the five points, I am sure you have  
24 got that down a hundred times already. But, yeah, an apology.  
25 That would have to be quite an apology to cover up everything

## TESTIMONY OF RON KOZLOWSKI

1 that has happened in my own particular life. I know other  
2 things have happened to other people. But, you know, they say  
3 to lose somebody is just like having somebody die on you.  
4 Okay. I had my father die. My mother died. My two kids were  
5 taken in the divorce and so they were taken away. And it's  
6 just been lonely ever since. I would like to see, 489 days to  
7 go, I would like to see retirement right now, without a  
8 penalty. I know anybody who is here that is retired, they  
9 should have been retired a while ago. What do the officers  
10 get now? If they get held hostage, don't they get a certain  
11 amount of pay for every eight-hour shift or whatever it is  
12 they are held?

13 MEMBER OF AUDIENCE: There is insurance.

14 RON KOZLOWSKI: There is something going on  
15 there, nobody got anything. Like Dean said when he testified  
16 yesterday, you get eight hours work time, you get eight hours  
17 overtime and you got eight hours sleep time. I don't know  
18 about you but, in that yard, if you can sleep, it would be  
19 next to impossible, you know. But I think everybody that is  
20 retired and everything should get a hundred percent, and  
21 should have been done a long time. This July 13th, I will  
22 have 35 years in. That's a lot of time, you know, to spend on  
23 one particular job with one particular class of people, you  
24 know. That's about all I have.

25 COMMISSIONER GOORD: Thank you very much.

## TESTIMONY OF RON KOZLOWSKI

1 DEPUTY SPEAKER EVE: You seem to have done  
2 better than some of the others. But you are still working  
3 here at the prison?

4 RON KOZLOWSKI: I'm working at Albion, which is  
5 a female prison.

6 DEPUTY SPEAKER EVE: Albion. My wife comes up  
7 there every year with a group of women. Did you get any kind  
8 of counseling afterwards? Did you get any counseling?

9 RON KOZLOWSKI: I had, after my D.W.I., I was  
10 told I had to go to Park Ridge, at which time they had  
11 counselors there.

12 DEPUTY SPEAKER EVE: Let me ask you, sort of  
13 early after September the 13th.

14 RON KOZLOWSKI: From then on, no. This wasn't,  
15 didn't start until maybe ten years ago.

16 DEPUTY SPEAKER EVE: 'Til ten years ago. So  
17 you didn't have any until ten years ago?

18 RON KOZLOWSKI: No, no.

19 DEPUTY SPEAKER EVE: You said that Sunday  
20 things were sort of rough in the prison. Can you sort of  
21 describe how you could tell that things were not --

22 RON KOZLOWSKI: You could sense it. There was  
23 a little more, everybody seemed more antsy, more -- what's the  
24 words I am trying to think of?

25 DEPUTY SPEAKER EVE: Okay.



## TESTIMONY OF RON KOZLOWSKI

1                   RON KOZLOWSKI: You know what I mean? There  
2 was a little more nervousness, maybe, a little more noise, a  
3 little more faster actions.

4                   DEPUTY SPEAKER EVE: As far as the inmates?

5                   RON KOZLOWSKI: Yeah.

6                   DEPUTY SPEAKER EVE: That could possibly be  
7 explained. Because when we were shown a letter that the  
8 inmates had been given, saying that we had agreed to certain  
9 conditions without their approval. And as chairman of the  
10 Observers Committee, they made it clear to us, all you can do  
11 is take out our requests to the Commissioner. Because he  
12 wouldn't come inside and negotiate with him. And then you  
13 bring their response back to us. You cannot make any  
14 decisions. They made that very clear. When we saw the  
15 message that the State had given the inmates in the yard, that  
16 we had agreed to things that they had not agreed to, we knew  
17 we were in trouble. And for the first time, I was reluctant  
18 to go back in. In fact, I broke down and cried and said, some  
19 of those inmates, if you go in there, and said that to the  
20 Commissioner, that if you go in there and you shoot and kill  
21 some of those inmates, some who come out will feel that I have  
22 double-crossed them. And therefore my wife and my children  
23 will not be safe. And that was almost the exact quote. And  
24 you can talk to anyone who was on the Observers Committee.  
25 Five of us agreed to go back in. And when we went in, the

## TESTIMONY OF RON KOZLOWSKI

1 inmates were angry. Some of them had tears in their eyes.  
2 And thank God for a former inmate, Puerto Rican named G.I.,  
3 who was there, and he was on the Observers Committee. He said  
4 to the inmates, I have been with Brother Eve, and I can tell  
5 you, he has not agreed to anything. Okay? And he said, It's  
6 a lie of what they have told you in that communication. Okay?  
7 And I thank God for him. I don't even know where he is for  
8 now. If he had not been, he had more credibility than all of  
9 us. And he told them that, That's a lie, what they have  
10 conveyed back to you. And so they then possibly realized that  
11 we were expendable. If they could tell a lie on what we did  
12 not say, knowing that would anger the inmates, okay, and that  
13 when we went back in, they might want to kill one of us or all  
14 of us, and then the State would have justification for coming  
15 in, because we had been killed. I think what they realized  
16 was that, even as a State Legislator, I was expendable. I was  
17 expendable for some crazy scheme or plan that somebody had.  
18 And so that might have explained why they were antsy and jumpy  
19 and nervous. Because, one, they felt they had been  
20 double-crossed; and two, when they found out the truth, they  
21 then realized that if they are prepared to jeopardize my life,  
22 as a member of the State Assembly, then their lives were even  
23 of less value. An so that might have contributed to their  
24 being jumpy.

25 I got another question. You mentioned the

## TESTIMONY OF RON KOZLOWSKI

1 Muslims. The Muslims, as you said, encircled the group in  
2 order to protect you from the other inmates. Mindful that all  
3 of us know there were inmates in prisons, as in society, who  
4 have mental health problems, some are not altogether. In fact  
5 I have got --

6 RON KOZLOWSKI: Especially here lately.

7 DEPUTY SPEAKER EVE: I have got letters from  
8 inmates, from Attica and others, You have got to get the  
9 mentally ill guys out of here, because they are creating  
10 problems for even us. Within a prison, there are those that  
11 could lunge at the guards and kill them, okay, or hurt them.  
12 You said the Muslims circled you and sort of protected you  
13 from the other inmates?

14 RON KOZLOWSKI: Yeah.

15 DEPUTY SPEAKER EVE: Now, when the yard was  
16 taken over, head of the Corrections Union came where we were  
17 up on one of the floors there at Attica, and said to us that  
18 some of the guards who were hostages told them that some of  
19 the inmates, in particular the Muslims, pushed them to the  
20 ground and fell on top of them in order to try to protect them  
21 and shield them. Was that so?

22 RON KOZLOWSKI: I had no idea. I was  
23 blindfolded up until the time I was taken out.

24 DEPUTY SPEAKER EVE: Once the shooting  
25 started -- in fact, I would like to ask the union

## TESTIMONY OF RON KOZLOWSKI

1 representatives if they know where that individual is now?  
2 I'm sure a different union has taken over, but I would like to  
3 talk to him and see if he could share with us what the  
4 correction officers told him. But I will never forget him  
5 saying that, in particular the Muslims, pushed inmates to the  
6 ground, all of them. And several of them said that they tried  
7 to shield us and protect us from being killed. Okay. I'd  
8 like to get that. I really would like to get that.

9           You need to know, I have never read a book on  
10 Attica. I never read a report. I never read Tom Wicker's  
11 report. I never read Bell's book, anybody's book. I never  
12 read anything on Attica. And maybe I can read it, another  
13 year or two now, I might be able to read something on Attica.  
14 A lot of things that people have written, I have not read. I  
15 have not looked at a report and don't want to read any report.  
16 But several of the guards have made references to other guards  
17 being shot in the back. I didn't realize there was that  
18 comment.

19           RON KOZLOWSKI: I have no idea.

20           DEPUTY SPEAKER EVE: Some of them have  
21 mentioned guards who ended up being killed, maybe their family  
22 members, that they had been shot in the back. That's  
23 something that I was not aware of, all these years, that there  
24 was possibly a significant number of guards that might have  
25 been shot in the back.

## TESTIMONY OF RON KOZLOWSKI

1                   RON KOZLOWSKI: Laying in the yard with as many  
2 bullets as was coming down, anything could have happened.

3                   DEPUTY SPEAKER EVE: When your sons, your two  
4 sons you mentioned, were they born before September the 13th?

5                   RON KOZLOWSKI: No, they were after.

6                   DEPUTY SPEAKER EVE: They were born after.  
7 They were born afterwards, okay. Because one of the things  
8 that seemed to emerge, that I didn't realize, is that a lot of  
9 the children were, and I am sure they were, affected. Because  
10 my kid was probably affected by how nasty I was after Attica.

11                   RON KOZLOWSKI: I tried to get them both to  
12 come here. They haven't been to one meeting or anything yet.

13                   DEPUTY SPEAKER EVE: Okay. At some point there  
14 needs to be some consideration given, I believe, to the  
15 children who were alive then. And, based on their age, I  
16 imagine we need to probably talk to some psychiatrists, a  
17 children psychiatrist, to understand.

18                   When the lady -- I apologize for walking out  
19 on -- when you mentioned that your son committed suicide, I  
20 just couldn't take anymore. Okay. I'm sorry that I walked  
21 out on you. Please forgive me. Okay. Good, thanks.

22                   COMMISSIONER GOORD: Thank you very much.  
23 We're going to take a one-hour break and we'll start,  
24 hopefully, about one o'clock.

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

## TESTIMONY OF DR. GENE RICHARD ABBOTT

1                   COMMISSIONER GOORD: Is Dr. Richard Abbott  
2 here, please?

3                   (Dr. Gene Richard Abbott addressed the Panel.)

4                   COMMISSIONER GOORD: Good afternoon,  
5 Dr. Abbott.

6                   DR. GENE RICHARD ABBOTT: Good afternoon.

7                   Well, I'm Dr. Gene Richard Abbott. I'm a  
8 retired pathologist and forensic pathologist. At the time of  
9 the Attica assault, I was a part-time medical examiner for the  
10 County of Monroe.

11                   Of course, I heard about the assault. That  
12 afternoon Jack Edlin called me and asked if I would help to  
13 perform autopsies on a number of victims of the assault. He  
14 had stipulated that our office get all of the correction  
15 officers, as well as the prisoners who had been killed by  
16 other prisoners. The bodies began to arrive around midnight  
17 the day of the assault and we proceeded with the autopsies.  
18 We first had to hose down the bodies because of the heavy  
19 contamination with pepper gas.

20                   We had heard the rumors to the effect that the  
21 hostages had had their throats cut, and that some had been  
22 castrated. These allegations were untrue. All of the  
23 hostages, and many of the prisoners, died of gunshot wounds.  
24 The only exception to that were the prisoners killed by other  
25 prisoners. I think the basis for the thinking that the

## TESTIMONY OF DR. GENE RICHARD ABBOTT

1 prisoners had had their throats cut was, first, some of them  
2 had been held by prisoners with knives at their throats. And  
3 when the bodies were found, there was blood in the neck. When  
4 someone is shot in the chest, before dying, he coughs up  
5 blood. And when he's lying on his back, the blood issues from  
6 his mouth and runs down the side of his face and his neck.  
7 Two of the bodies from my autopsy did, indeed, have very  
8 superficial knife wounds, but the wounds were on the back of  
9 the neck. Now anyone knows that if he is going to seriously  
10 harm or kill somebody with a knife wound to the throat, he's  
11 going to do it from the front. These wounds, as I said, were  
12 on the back of the neck, and they were less a tenth-of-an-inch  
13 deep.

14           As I said, all of the hostages died from  
15 gunshot wounds. We were informed that the police had used  
16 only .270 high-powered rifles, shotguns loaded with double  
17 ought buckshot and .38 Special revolvers. However, one of the  
18 hostages whom I autopsied was killed with a .44 Magnum  
19 carbine. We later learned that, contrary to the Governor's  
20 prohibition of participation in the assault by other  
21 prisoners, one prisoner went home, got his deer rifle --

22           SENATOR VOLKER: Excuse me. You mean  
23 correction officer?

24           DR. GENE RICHARD ABBOTT: One of the correction  
25 officers went home, got his deer rifle, and came back and shot

## TESTIMONY OF DR. GENE RICHARD ABBOTT

1 one of his colleagues. Any questions?

2 SENATOR VOLKER: Is there anyway you could tell  
3 whether, I know the answer to this, there is no way you could  
4 really tell whether bullets had passed with through other  
5 people before it hit any of the --

6 DR. GENE RICHARD ABBOTT: No, we were not able  
7 to determine that. However, the .270 is a hunting rifle and  
8 it ordinarily expands. And if the .270 bullet had passed  
9 through somebody else before striking a correction officer,  
10 the wound would have been different from any of the wounds  
11 which we encountered. At least the 270s did not pass through  
12 any other bodies. As matter of fact, the lower velocity of  
13 the double ought buckshot and .38 Special revolver, it's  
14 unlikely to lead to passage through one body before striking  
15 another. So although I cannot exclude that possibility, it is  
16 unlikely.

17 DEPUTY SPEAKER EVE: Following up on the  
18 question the Senator asked, the sharpshooters used the same  
19 kind of bullet you were talking about?

20 DR. GENE RICHARD ABBOTT: Yes, the .270.

21 DEPUTY SPEAKER EVE: The .270.

22 DR. GENE RICHARD ABBOTT: Yes.

23 DEPUTY SPEAKER EVE: Okay. I'm not a rifle  
24 man. And so you are saying, because it sort of explodes --

25 DR. GENE RICHARD ABBOTT: It expands.



## TESTIMONY OF DR. GENE RICHARD ABBOTT

1 DEPUTY SPEAKER EVE: It expands. Then if it  
2 hit somebody who was, by the time it got to the next person,  
3 it would have been much wider?

4 DR. GENE RICHARD ABBOTT: Much larger entrance  
5 wound.

6 DEPUTY SPEAKER EVE: Okay, entrance wound. You  
7 also said that you were told to examine prisoners who were  
8 killed by other prisoners, and correction officers. What  
9 about the prisoners who were shot and killed on the 13th of  
10 September?

11 DR. GENE RICHARD ABBOTT: We autopsied some of  
12 those. I know I autopsied, I believe, two of those.

13 DEPUTY SPEAKER EVE: Who did the others?

14 DR. GENE RICHARD ABBOTT: Some of them were  
15 done by the Erie County Medical Examiner's Office.

16 DEPUTY SPEAKER EVE: I didn't know that. I  
17 thought Monroe County did them all.

18 SENATOR VOLKER: No.

19 DR. GENE RICHARD ABBOTT: No.

20 DEPUTY SPEAKER EVE: Now, let me ask you this.  
21 Where is the doctor who became infamous and hated by a lot of  
22 people, but really respected by a lot of others?

23 DR. GENE RICHARD ABBOTT: Jack Edlin is dead  
24 now.

25 DEPUTY SPEAKER EVE: Oh, he's dead.

## TESTIMONY OF DR. GENE RICHARD ABBOTT

1 DR. GENE RICHARD ABBOTT: He died maybe six or  
2 seven years ago. I did not know it at the time, although I  
3 had been one of his teachers when he was a resident in  
4 forensic pathology, he was a victim of bipolar effective  
5 disorder. So that he was, he became profoundly depressed  
6 because of all the adverse publicity he received.

7 I think Jack made one mistake. And that was  
8 making public the results of our findings by himself. I think  
9 if he had called the state police and the prison  
10 administration, and made a joint report of our findings, that  
11 things would have been much smoother for him.

12 DEPUTY SPEAKER EVE: So you are saying that  
13 because he took the leadership and, in disagreeing with what  
14 the State officials had told us -- I was in the yard  
15 afterwards, on the catwalk. And they told us about how the  
16 inmate's throats had been slashed and then they had fallen to  
17 the ground and assumed dead. That was not possible from the  
18 wounds that you saw on the neck, for them to have been so  
19 severely throat slashed and fallen to the ground, dead? That  
20 is not possible?

21 DR. GENE RICHARD ABBOTT: No.

22 DEPUTY SPEAKER EVE: And you said most of the  
23 knife wounds were on the back of the head?

24 DR. GENE RICHARD ABBOTT: Two of the correction  
25 officers that I had autopsied had very superficial,

## TESTIMONY OF DR. GENE RICHARD ABBOTT

1 inconsequential wounds the back of the head.

2 DEPUTY SPEAKER EVE: Could that have been from  
3 the inmates wanting to frighten the State, Don't come in, I'm  
4 holding the knife here on someone's throat?

5 DR. GENE RICHARD ABBOTT: They were holding the  
6 knife back here.

7 DEPUTY SPEAKER EVE: On the back? Why was  
8 that?

9 DR. GENE RICHARD ABBOTT: Well, they had no  
10 intention of harming --

11 DEPUTY SPEAKER EVE: Of harming, so they did it  
12 on the back?

13 DR. GENE RICHARD ABBOTT: Yes.

14 MEMBER OF AUDIENCE: You don't know that.

15 DEPUTY SPEAKER EVE: Let me --

16 DR. GENE RICHARD ABBOTT: Let me interject  
17 something. We have no photographic documentation of any of  
18 our examinations. That is because our photographer was busy  
19 with other duties. And many rolls of film were shot by two  
20 state police photographers. And following our, the  
21 announcement of our findings, we never saw a single one of  
22 those photographs. They refused to give them to us.

23 DEPUTY SPEAKER EVE: So the state police are  
24 the only ones who actually have pictures to show of the  
25 bodies?

## TESTIMONY OF DR. GENE RICHARD ABBOTT

1 DR. GENE RICHARD ABBOTT: That is correct.

2 DEPUTY SPEAKER EVE: The cuts, the bullet  
3 holes?

4 DR. GENE RICHARD ABBOTT: Yes.

5 DEPUTY SPEAKER EVE: They actually have  
6 pictures of the bullet holes?

7 DR. GENE RICHARD ABBOTT: Oh, yes. Pictures  
8 demonstrating that there were no wounds to the front of the  
9 neck, that none of the correction officers had serious knife  
10 wounds. And the photographs included all of the gunshot  
11 wounds, all of the bullet holes.

12 DEPUTY SPEAKER EVE: Do you believe that the  
13 reason the doctor did not want to have this joint announcement  
14 with the state police and Corrections is because he didn't  
15 trust what they would --

16 DR. GENE RICHARD ABBOTT: I don't think so. I  
17 think he wanted to, as quickly as possible --

18 DEPUTY SPEAKER EVE: Get the information out.

19 DR. GENE RICHARD ABBOTT: -- get the facts  
20 before the public.

21 ASSEMBLYMEMBER AUBRY: Arthur, can I just ask a  
22 question? How soon did he release his report?

23 DR. GENE RICHARD ABBOTT: The afternoon of the  
24 following day. As I said, we got the bodies around midnight.  
25 We worked for several hours, went home, slept briefly, came

## TESTIMONY OF DR. GENE RICHARD ABBOTT

1 back and finished the rest of the autopsies by 3:30 or so of  
2 the afternoon of the day after the assault.

3 DEPUTY SPEAKER EVE: The 14th?

4 DR. GENE RICHARD ABBOTT: Yes.

5 ASSEMBLYMEMBER AUBRY: I have heard a number of  
6 individuals testify who would contend that they believed for  
7 many years the first version that was, I gather, given out.  
8 People for a long period of time believed most of these acts  
9 were perpetrated by inmates. Is there any particular reason  
10 you can conjure as to why that seemed to be the case, when you  
11 had a doctor who performed the autopsies releasing his own --

12 DR. GENE RICHARD ABBOTT: I cannot explain why  
13 other people believe what they do. And I would ask them why  
14 in the world would they think that we would lie about it?  
15 What possible motivation would we have? I remember some  
16 people saying, Well, that Dr. Edlin, he's a communist. What  
17 would that have to do with it?

18 DEPUTY SPEAKER EVE: But the state police  
19 photos will confirm the throat cuts.

20 DR. GENE RICHARD ABBOTT: The lack of any  
21 throat cutting and the presence of the gunshot wounds.

22 DEPUTY SPEAKER EVE: Gunshot wounds. Now, we  
23 have heard a number of people say -- well, not a number, but  
24 one or two people here -- that the people were shot in the  
25 back. What percentage of the correction officers were shot in

## TESTIMONY OF DR. GENE RICHARD ABBOTT

1 the back?

2 DR. GENE RICHARD ABBOTT: I cannot say. I do  
3 not recall. I do recall that the correction officer who was  
4 shot by a colleague, was shot in the side. Because I  
5 recovered that bullet beneath the skin on the opposite side of  
6 the chest.

7 DEPUTY SPEAKER EVE: I may have missed that  
8 testimony. This was a correction officer who worked in the  
9 prison, that went and got his own gun?

10 DR. GENE RICHARD ABBOTT: Yes.

11 DEPUTY SPEAKER EVE: And then came back into  
12 the prison?

13 DR. GENE RICHARD ABBOTT: To participate in the  
14 assault. This was against the Governor's rules of engagement,  
15 but he did so.

16 DEPUTY SPEAKER EVE: You need to know that I  
17 was in the yard for five days, in and out with the Observers  
18 Committee. And we were told that there would be no  
19 correctional officers allowed to go in --

20 DR. GENE RICHARD ABBOTT: Yes.

21 DEPUTY SPEAKER EVE: -- for the take off. So  
22 this guy used the, the cover of coming in to get at the  
23 inmates to shoot one of his own correction officers?

24 DR. GENE RICHARD ABBOTT: Yes.

25 SENATOR VOLKER: May I stop right there? You

## TESTIMONY OF DR. GENE RICHARD ABBOTT

1 don't know that's true. I mean, you don't know that he  
2 deliberately, he could well have been shooting at the guys --

3 DR. GENE RICHARD ABBOTT: Oh, I'm sure it was  
4 an accident.

5 SENATOR VOLKER: That's my point. I just  
6 wanted to make that point.

7 DEPUTY SPEAKER EVE: Oh, okay.

8 SENATOR VOLKER: Number two, can I just say  
9 something about the knife wounds? We have known for a long  
10 time -- in fact, I talked to that doctor, by the way, who  
11 really had a rough time. The doctor from Wyoming.

12 DR. GENE RICHARD ABBOTT: Jack.

13 SENATOR VOLKER: He was a good man but -- but  
14 the number of the hostages, and one who was here yesterday,  
15 according to reliable reports, had inmates on all sides of  
16 him. One had a knife here, one had a knife here, one had a  
17 knife back here. It is very possible that although the one  
18 had the nick on the back, that someone else was holding a  
19 knife on this fellow, and that that fellow was shot by the  
20 sharpshooters, as happened here with one person who is here.  
21 And it's been reported, although not here, that that one  
22 inmate who was shot, or not inmate, but correction officer was  
23 shot a number of times. The troopers have said that he was a  
24 dead man. He is alive now, because the people who were about  
25 to cut his throat, were killed. Now, you have no --

## TESTIMONY OF DR. GENE RICHARD ABBOTT

1 DR. GENE RICHARD ABBOTT: That could very well  
2 be.

3 DEPUTY SPEAKER EVE: But from, as you said  
4 previously, the inmates, the slight cuts were all on the back  
5 of the neck?

6 DR. GENE RICHARD ABBOTT: Yes.

7 DEPUTY SPEAKER EVE: So obviously, persons who  
8 did that was trying to intimidate the State and others. If  
9 they really wanted to kill them, they would have done it here  
10 in the front. That's where you would cut the main arteries.

11 DR. GENE RICHARD ABBOTT: Yes.

12 ASSEMBLYMEMBER AUBRY: The autopsy reports that  
13 were issued, I presume, were issued for everyone that you  
14 would have done an autopsy on during that period of time.

15 DR. GENE RICHARD ABBOTT: That is correct.

16 ASSEMBLYMEMBER AUBRY: Do you know what  
17 happened to those reports?

18 DR. GENE RICHARD ABBOTT: Those records are  
19 still stored someplace, off site. There is not room enough  
20 for storage of all the records at the medical examiner's  
21 office. They are held under secure storage.

22 DEPUTY SPEAKER EVE: Where?

23 DR. GENE RICHARD ABBOTT: I don't know. You  
24 could find this, you could get this information from the  
25 medical examiner's office.



## TESTIMONY OF DR. GENE RICHARD ABBOTT

1 ASSEMBLYMEMBER AUBRY: And do you know of any  
2 instance where people who had families, who might have had  
3 interest, were denied access to that?

4 DR. GENE RICHARD ABBOTT: I do not know of any  
5 such occurrence.

6 COMMISSIONER GOORD: Are they considered public  
7 information?

8 DR. GENE RICHARD ABBOTT: Yes.

9 DEPUTY SPEAKER EVE: So anyone that you  
10 examined in Monroe County, that is public information?

11 DR. GENE RICHARD ABBOTT: Yes.

12 DEPUTY SPEAKER EVE: Same thing would be true  
13 about Erie County?

14 DR. GENE RICHARD ABBOTT: I should think so,  
15 yes.

16 COMMISSIONER GOORD: Do you have anything else  
17 to add, Dr. Abbott?

18 DR. GENE RICHARD ABBOTT: No, I don't think so.

19 COMMISSIONER GOORD: Any other questions?

20 Thank you very much for coming.

21 DR. GENE RICHARD ABBOTT: You're welcome.

22 COMMISSIONER GOORD: Now, I have agreed, or the  
23 Committee has agreed to have a meeting with the Forgotten  
24 Victims, closed meeting with the Forgotten Victims after this  
25 meeting. I guess I do have a number of people, how long is

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1 that meeting going to take? If it's going to take ten minutes  
2 then maybe -- we really do have to break at two o'clock.

3 GARY HORTON, ESQ.: I don't expect the meeting  
4 to be more than ten minutes.

5 COMMISSIONER GOORD: So we have time for --

6 GARY HORTON, ESQ.: We do have Donald Almeter  
7 here, he's here from Florida. He's told me his testimony is  
8 very brief, if we could do him.

9 COMMISSIONER GOORD: Mr. Almeter.

10 (Donald Almeter addressed the Panel.)

11 DONALD ALMETER: Yes. My name is Donald  
12 Almeter, A-L-M-E-T-E-R, and I, too, was a correction officer  
13 during the 1971 uprising.

14 What I want to tell is basically what everybody  
15 has been telling of how, on the first day, we went to work, we  
16 were told there was a little problem, be alert. Being very  
17 new, I had about a year and-a-half on the job, I was 24 years  
18 old, finally got on the day shift, which was quite an  
19 accomplishment at Attica. Went to work, we were told they had  
20 an incident in the yard where the lieutenant was assaulted.  
21 They had to go in the block, take the guy out of his cell,  
22 went to Special Housing. There was rumor that they were going  
23 to do something, this and that, pay attention.

24 We all went to our assignments. Things started  
25 out normal. I went to B block. First breakfast ran, then

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1 they ran a late breakfast. When the late breakfast was  
2 returning, things weren't normal, because we got a call that  
3 there was problems at Times Square. So we secured the block,  
4 the officer and myself. There was two other officers in the  
5 block. I went to Times Square, I talked to the officers. The  
6 inmates were in the hall between Times Square and A block, not  
7 a problem. They were going to get the yard key and put them  
8 out in the yard and solve all the problems. We all knew that  
9 Attica was the safest place in New York State to work. There  
10 could never, ever, be more of a problem than one corridor or  
11 cell block at a time.

12 I went back to the housing block, I told the  
13 officer. He said, Okay, we'll stay secured until we find out  
14 what's going on. All of a sudden, commotion at Times Square,  
15 the gates are rattling, inmates are screaming, breaking  
16 windows. And holy shit, here they come. They come through  
17 the square area, towards the block that I'm in. The officer  
18 locks me out of the back side of the block, hands me the keys.  
19 He said, Well, at least, he said, you are safe. They are  
20 pushing on the gate of B block, they're screaming, they're  
21 breaking windows, get the pigs, kill the pigs. Somebody, I  
22 can distinctly remember this to this day, someone says, Go  
23 back and get the keys. Shit, I got the keys in my pocket, I  
24 know I'm safe. They ran back to Times Square. And obviously  
25 the inmates knew more than the officers. They knew that the

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1 key that came through the Square towards B block, would open B  
2 block. They rushed up, turned the key, opened the door.  
3 Well, they got the first door, the second door is the same  
4 key. They come through the block, at that point that officer  
5 told me, Get the hell out of there. He took the beating,  
6 ended up dying on the final day of the assault.

7                   And I went to the, back through the shop gates,  
8 went back to the metal shop, informed Sergeant Cunningham what  
9 was going on. His instructions were, my rear doors were open,  
10 go back, make sure they're locked, tell the officers to come  
11 up front, it will be over. The power house whistle was  
12 blowing at this time. We all knew what that meant, either  
13 escape from the farm area or there was trouble. And there was  
14 trouble and they were going to bring all the help in, it was  
15 going to be over in a matter of hours.

16                   They broke into the metal shop, started  
17 stripping us, beating us. And at that time there was like  
18 three or 400 inmates working the metal shop that were just  
19 waiting. The initial attack force I call it, the initial  
20 inmates that came out of A block area, came down through, they  
21 broke through the doors, stripped us, beat us, run us through  
22 the gauntlet. We ran about forty yards down the corridor,  
23 turned into B block. We had to go a like hundred yards to  
24 Times Square. I had got hit so hard, when I turned around, I  
25 actually thought I was in A block. I had no clue where I was.

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1 I was stripped. I'm 24 years old. I'm scared to death. I  
2 have no idea. All of a sudden I look, there is other officers  
3 coming in, they are stripped, they are beaten, they are  
4 bleeding. And someone says, maybe we ought to get them some  
5 clothes. I don't know why they wanted to give us clothes,  
6 they just took our clothes off us. But someone had the smarts  
7 at least to dress us. We got a pair of pants or coverall from  
8 the metal shops or something. Then someone said, we better  
9 tie them up. Why, I couldn't understand why they would want  
10 to tie me up. At that point, there was probably between 700,  
11 my guess, 700, 800, 900 inmates in the yard. There is like, I  
12 figure 20, 25 of us, maybe. They obviously weren't afraid of  
13 us. They wanted to tie us up. Which I found, later on, was  
14 so they could secure us in an area without other inmates  
15 coming, trying to help. Some officers had inmates that would  
16 help them. I was so new, nobody cared. They tied us up, they  
17 blindfolded us, they put us all in a corner.

18                   And then, and I am still hearing the power  
19 house whistle. And I know, we're talking, Hell, they got to  
20 be out front, all my friends that are on their days off, I  
21 know they are at the front door already, getting on their  
22 little hats, getting the big night stick and maybe the gas  
23 gun. We didn't have a lot of weapons back then. They are  
24 going to come in and they are going to save Don Almeter and  
25 everybody in that yard.

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1                   It was a misbelief. Because that was on  
2 Thursday. And even when the prison was retaken, I didn't even  
3 see any of those. It was just, nobody came. We felt so, I  
4 mean, like, What the hell did we do? I mean, Christ, we're  
5 employees, here we are, sitting out there. We'd been beaten,  
6 we'd been stripped. At least they clothed us. Now they tied  
7 us up. I'm 24, I am scared to death. I just came from  
8 Vietnam. I wasn't as scared in Vietnam. And now, all of a  
9 sudden, the inmates were coming around and they were saying,  
10 kill the pigs, do this and that. I'm not going to say, I  
11 don't even know who made the decision, I found out later on  
12 that the Muslims had formed a circle to surround us. I didn't  
13 know that. My belief was, they weren't there to save my ass,  
14 they were going to keep me there because somewhere down the  
15 road in negotiations, whatever the State was going to do, they  
16 had to have a bargaining chip and I was probably part of it.  
17 So therefore they were not going to let outside inmates, that  
18 hated us worse than they did, to come in and kill us or maim  
19 us or do more harm than they had done. Even so, I know that  
20 it's just a matter of time, I know the State's coming in. I  
21 know a friend of mine that works there, he's definitely going  
22 to be one of the first guys through the door. He's going to  
23 yell my name and we're going to go. That's on Thursday.

24                   Thursday night, the inmates started making  
25 demands. Of course, they always had demands. I believe some

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1 of the demands were already written to the Commissioner at the  
2 time, and I believe they were already met. But it takes time.  
3 They didn't want time. Come Friday, you start losing track of  
4 time. Because you are still scared, you don't have a clue.  
5 And we're sitting in the circle, what they call the hostage  
6 circle. Sometime during the day someone said, We finally  
7 found the pigs. And this body come -- of course we're  
8 blindfolded, we don't know it, you can sense something when  
9 it's coming at your person -- this body comes flying in the  
10 circle. And it's a friend of mine, John Stockholm. John,  
11 where you been? They don't want you to talk. Found out later  
12 he had been hidden out for the night, which we didn't know.  
13 But we know it's still Friday and we know, sooner or later,  
14 they got to come to get us. The State's not going to leave us  
15 there forever. Well, they did leave us there forever.

16 I know Mr. Eve was part of the negotiators, the  
17 observers that came in. I believe, you know, there was a  
18 sincere attempt made to try to resolve the problem with as  
19 much, or as little physical damage to anybody, even including  
20 the convicts who, they are there by their own choice. We are  
21 there because we want to be there, we're workers, and we'd  
22 like to go home. We hear the noise and we hear the yelling,  
23 we hear the negotiators, the observers. Then it's  
24 William Kunstler and then Garcia, a few of the others. Only,  
25 we only hear parts of it and we can't see it. Because when we

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1 did take our blindfolds off, as soon as the observers came in,  
2 now they want to blindfold us again. I don't know why. Don't  
3 they want us to see who's trying to help us or help them? But  
4 they did.

5           The thoughts that was going through my mind  
6 was, Jesus, I hope this ends because I'm ready to go home. Go  
7 home, have a beer. But it doesn't work like that. Because  
8 Friday goes, Saturday goes. Sunday comes. Jesus, now we're  
9 all worried. Now we're talking amongst ourselves. Jesus,  
10 what's going to happen? We know what's going to happen.  
11 Eventually, there is going to be a stalemate and somewhere,  
12 somebody has to pay the price. And we know, if they hadn't  
13 come in on the first day when the inmates weren't organized,  
14 they sure as hell weren't going to come in with hats and bats  
15 and night sticks on the fourth day when they had been grinding  
16 and making weapons. And you hear them talk, you know, We'll  
17 make this bomb, we'll electrify this fence. You are only  
18 hearing it because you can't see it. But you know it's not  
19 good.

20           Sunday night, rain comes. Jesus, now it's even  
21 worse. We're all there and I can still remember telling the  
22 one officer, I'm going back to selling cars. That's what I  
23 used to do before I went there. He said, Don't worry. It was  
24 Paul Krotz. He said, Believe me, I'll be there with you. We  
25 laughed about it. Because at that point, you had to laugh



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1 about something because you knew inevitable was happening.  
2 And then Sergeant Cunningham, you can hear, pleading with the  
3 Governor to come. You know if the Governor ain't coming,  
4 guess what, somebody else is coming.

5 We're still a little naive, and I'm fairly new  
6 in the system. And I really didn't understand how they were  
7 going to come in. You know, I kind thought they would come  
8 in, drop a little, throw a little gas out, shoot a couple  
9 people with a pistol, up close, not kill a lot of people. But  
10 they did, they came in. Scared to death, I heard them sorting  
11 guys out, taking guys up, taking guys down. And then I hear  
12 the helicopter. And I know, now that the helicopter is in the  
13 air, what's going to happen, some form of gas. I know these  
14 guys are not going to rappel out of the helicopter because  
15 there is 1,200 inmates. So I know for a fact that the  
16 helicopter has got to drop something in that yard to either  
17 indispose them or make them sick. Included, we're going to be  
18 sick. But, jeez, you know, if I am sick, it is still a lot  
19 better than being dead. The executioner was assigned to us,  
20 everybody is given an executioner. We stood up, the gas is  
21 dropped. Before you could even smell the gas, the firing  
22 started. The firing started and it did not stop. I finally,  
23 and I believe it was the second time, because the first time  
24 the individual hanging on to me, I believe, was shot and we  
25 went down. And I then was stood up the second time, I blacked

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1 out, and I could never understand why. And the doctor told  
2 me, he said, your body had had just about enough, you are  
3 done.

4 My point being, we waited a long time to solve  
5 Attica. It was only five days. But to solve this, it's been  
6 30 years. On the points, everybody knows the apology is  
7 definitely due. How you are going to give it is beyond me.  
8 Memorial service, Commissioner Goord, when I was at Attica,  
9 they have never refused a memorial service and that's pretty  
10 much inevitable, that's going to happen. A lot of people  
11 don't even know the monument that sits in front of Attica was  
12 not even purchased by the State. It was bought by its  
13 employees and donations from the people in town, through the  
14 Marley Funeral Home, that's where the stone was bought.  
15 Compensation. Hell, the women who lost their spouses deserve  
16 everything. The rest of us, you know, I'm like a basket case,  
17 drugs one week, booze the next. I finally did retire, after  
18 30 years service. Alcohol is a minimum, drugs are very  
19 little, prescription. I had to clarify that. Because in 1985  
20 I went through a bout where I was not doing well, alcohol and  
21 car wrecks, and about 18 months of alcohol rehab was in order.

22 I just want to thank everybody for allowing  
23 this to happen. I want to thank Gary Horton and, of course,  
24 Dee Miller for keeping me informed on it too. The support of  
25 the union that is now in existence, they were very good when I

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1 was there, and I know they were. And Gene and Joan, they do a  
2 lot. I don't see them any anymore, they live up north.

3 MEMBER OF AUDIENCE: Come on back.

4 DONALD ALMETER: I'm here. That's basically  
5 it.

6 COMMISSIONER GOORD: Thank you, Mr. Almeter.  
7 Anybody have any questions?

8 DEPUTY SPEAKER EVE: Yes. Let me ask you this.  
9 You mentioned the gas and the shooting all sort of coming at  
10 the same time. There is a thinking that some of the shooting  
11 had to happen at the same time of the gas because the  
12 sharpshooters were zeroing in on inmates who were holding the  
13 guards as hostages with knives to their necks, back or front.  
14 And so that would have been pop-pop-pop-pop-pop-pop. Was it  
15 like that? Or was it just, some reports, I have heard about,  
16 saying that 4,000 rounds in two minutes or 2,000 rounds in two  
17 minutes.

18 DONALD ALMETER: 4,000 is a low number by my  
19 ears, by my hearing.

20 DEPUTY SPEAKER EVE: Now, see that's important.  
21 That's important to determine intent, you know. If there was  
22 some single shots, the sharpshooters, because they had, you  
23 know, state troopers had sharpshooters, these people, I  
24 understand, can shoot a bullet through a hole like this. They  
25 would be zeroing in on the men, the executioners, allegedly.

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1 That was not the case? That was just like a whole lot of  
2 shooting all at one time, en masse?

3 DONALD ALMETER: I believe. Because when I  
4 smelled the gas, they were already firing. It wasn't a  
5 pop-pop-pop, it was a lot of shots.

6 DEPUTY SPEAKER EVE: Just a lot of mass shots?

7 DONALD ALMETER: As I recall.

8 DEPUTY SPEAKER EVE: Thank you. That's it.

9 COMMISSIONER GOORD: Thank you, sir.

10 This concludes the second formal session of the  
11 Attica Task Force testimony. This public hearing is closed.  
12 We are going to have a very brief meeting with the Forgotten  
13 Victims of Attica. Those people are welcome to stay. Thank  
14 you very much.

15 (Whereupon the hearing concluded at 2:00 p.m.)

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