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NEW YORK STATE DEPARTMENT OF CORRECTIONS

THE FORGOTTEN SURVIVORS OF ATTICA

ATTICA TASK FORCE

MINUTES OF HEARING held at Empire State Plaza,  
Hearing Room A, Legislative Office Building Albany,  
New York commencing July 31, 2002 at 10:10 a.m.

BEFORE: Glenn S. Goord, Commissioner  
Arthur O. Eve, Deputy Speaker, NYS  
Assembly  
Dale M. Volkner, NYS Senator, 59th  
District  
Jeffrion Abury, Member of Assembly,  
35th District

ORIGINAL

1 (The hearing commenced at 10:10  
2 a.m.)

3 COMMISSIONER GOORD: Deputy Speaker  
4 Arthur Eve. This is the third session of the  
5 Attica -- Attica Task Force. Joining us this morning  
6 are -- are Mark, John, and James Cunningham, and we  
7 welcome you here today, whatever order you want to  
8 proceed in.

9 MR. CUNNINGHAM: Thank you. I just  
10 like to say thank you to the Task force and the  
11 Governor for finally listening to us after thirty one  
12 years. My name is Mark Cunningham. M-A-R-K  
13 C-U-N-N-I-N-G-H-A-M. Our father was Sergeant Edward  
14 Cunningham. He was in the riot of 1971. His father  
15 before him was a Yonkers policeman. His father --  
16 grandfather was a Yonkers policeman. During the --  
17 during the turn of the century, our father was a  
18 World War II vet. He got shot twice -- I believe, I  
19 am not really sure. My brother Jimmy will probably  
20 tell you more about that. But he was a big guy.  
21 Well they call him -- called him Big Ed, I believe.  
22 I called him Dad, but -- me and my brother Tommy got  
23 to see his personnel folder about six months ago. I  
24 found it quite interesting that before September 9th,

1 of 1971, my mother called him in sick quite a bit,  
2 with nausea. My father did not drink, my father did  
3 not -- something was upsetting him. This is before  
4 September 9th. I can -- I imagine it was probably  
5 conditions at the prison, back in them days.

6 Our father and mother had eight  
7 children. On September 9th, 1971, our father goes to  
8 work in the metal shop, convicted felons break into  
9 that shop, force the employees to take off their  
10 clothes, run these employees through a gauntlet of  
11 convicts beating the employees as they went to D  
12 yard. The employees were then crowded into an area  
13 in D yard, given inmate clothing, tied up their arms  
14 and feet along with blindfolding them. Muslim  
15 inmates kept guard of the hostages for negotiation  
16 purposes. If you ain't got no hostage you ain't got  
17 nothing to negotiate with. These inmates realized  
18 the value of the hostages lives. The inmates did not  
19 realize that the Rockefeller Administration just  
20 considered these guys replaceable item numbers, and  
21 that is pretty much the way it was.

22 For the next four days no help  
23 would come. Our father and the other hostages were  
24 kept in the dark, constantly being threatened. Our

1 father was on International Television, asking  
2 Governor Rockefeller to come to the prison or he  
3 would be dead. September 13th, a mission to retake  
4 the prison is launched. It is a retaking mission,  
5 not a rescue mission. During this mission our father  
6 is shot through the head and killed.

7 We got the first autopsy report,  
8 a -- one buckshot pellet went through his head right  
9 here. Well we were kids and we climbed over the  
10 coffin, and we had actually seen the hole in the side  
11 of his head. And it was filled in with wax, and it  
12 came out of the spinal cord, killed him.

13 The second autopsy report also  
14 found another buckshot pellet which shattered his  
15 left elbow. September 17th, its kind of ironic, but  
16 we had a grand funeral for our father. There were  
17 friends and family from Yonkers and Coxsackie were  
18 there. My family is from Yonkers, New York.  
19 Correction Officers, police officers from all over  
20 the country were there. But after the service at the  
21 cemetery, we all left, rather than putting the coffin  
22 in the ground, they stuck the coffin in -- in a  
23 hearse, and took it away for another autopsy report.  
24 They did not bother consulting with my family about

1 it, not that I know of.

2                   And to this day -- because we were  
3 not invited when our father was actually laid -- put  
4 in the grave, we can only assume he is put in the  
5 right grave, because back in that days the state was  
6 kind of screwing things up -- I can imagine them  
7 screwing that up, but -- I mean there is -- there was  
8 a lot of graves being filled. But we are not even  
9 sure if he is in the ground at all. I mean we were  
10 not invited for his funeral, his actual going in the  
11 ground, we did not see that. I guess we were not  
12 good enough. Our father was fifty two years old. He  
13 had twenty two years on the job when he was shot and  
14 killed. But my question is, how was he killed? This  
15 has confused me for thirty years. He was not killed  
16 in a hunt -- hunting accident. It was not a suicide.  
17 It could not have been a murder, nobody looked for a  
18 suspect. Nobody prosecuted anybody. Nobody was  
19 convicted of or doing time for killing a terrified  
20 defenseless Peace Officer. I was 14 years old at the  
21 time. I have not figured that out yet.

22                   Our mother would spend the next  
23 twenty eight years faithful to her -- her husband.  
24 She never stopped fighting for justice. She was

1 constantly in touch with Senator Volker. Senator  
2 Volker and my mother knew each other very well I  
3 believe, and respected him very much. She was always  
4 calling politicians, talking in the news, her and  
5 G.B. Smith were on Geraldo Rivera one time.

6 And everyday of her life was pretty  
7 much anxiety, and depression just filled her life for  
8 the whole 28 years before her death. When our mother  
9 died, we had a simple funeral. We had to have a  
10 garage sale and sell her car to help pay for the --  
11 for the funeral. At least we got to see her put in  
12 the ground. When you are growing up as a 14 year old  
13 kid in a small town, and your father is killed by the  
14 guys sent in to save him, it gets a little  
15 complicated to tell your friends about it. Because  
16 my mother used life insurance from my father, she  
17 bought a new car after he was passed away. She  
18 bought a full size station wagon, so all the kids  
19 could go in one car for a change, and a real color TV  
20 Set, because color TV Sets, everything was black and  
21 white pretty much, TV wise. But a lot of my friends  
22 thought we were rich. Here we got a new car and a TV  
23 Set. But that was because of my father's life  
24 insurance, nothing else. I tried explaining them to

1 my friends, if they lucky like me and their father  
2 gets his head -- shot through the head, then their  
3 mom can buy a new car too. That is, if they got life  
4 insurance. They did not seem to understand too much  
5 about that though.

6 I guess that is pretty much all I  
7 got -- I have to say. Assemblyman Dan Burling does  
8 have a Bill in -- A 07768, that should be seriously  
9 considered. I think, that is pretty much all I have  
10 to say, other than thank you very much.

11 COMMISSIONER GOORD: Thank you very  
12 much.

13 MR. M. CUNNINGHAM: Thank you.

14 MR. JOHN CUNNINGHAM: Good morning.

15 COMMISSIONER GOORD: Good morning.

16 MR. JOHN CUNNINGHAM: My name is  
17 John Cunningham. J-O-H-N. I am the youngest of the  
18 Cunningham boys. I am the last of the original  
19 Cunninghams. I was eight years old when my father  
20 died. I am not going to talk too much about my  
21 father, because I did not have a father. I was very  
22 young when he died. And -- there were eight kids in  
23 the family. The only thing I would like to say about  
24 my father and everyone else that worked that day,

1 that worked in that prison, you are all heroes.  
2 Everyone is a hero. Everyone knew there was trouble  
3 at that prison. They knew what it was coming. They  
4 did not know exactly what, but there was trouble.  
5 And they went in that day, knowing -- my father had  
6 been calling in sick several times before, he was a  
7 nervous wreck. I remember that much about him. And  
8 he went to work that day. My father could have got  
9 out of that prison that day, from what I understand.  
10 He could have took his men, and left the back area of  
11 that prison and got to a guarded post on a wall,  
12 where he would have been safe from anybody coming  
13 toward him, they would have been shot or shot to the  
14 ground, they would have knocked them back, keep them  
15 away from the hostages, couple of other people. But  
16 he did not do that. He held his ground. He did his  
17 job. He kept his area secure. That is the kind of  
18 man my father was, until they broke in and took him.  
19 He did not leave his post, and a lot of people did  
20 the same thing. You people are the heroes for doing  
21 that. Keeping the people of the State of New York  
22 safe. They did their jobs. Just like the people on  
23 09/11, we can never forget about Attica, and what  
24 happened that day. I will never forget.



1 My mother died on July 6th, 1999.  
2 She spent her whole life fighting Attica. Senator  
3 Volker can remember many of times -- I have letters,  
4 I have gone through all her personal things. I was  
5 the executor of my mother's will. Like I said, we  
6 had to do a lot of things to just get her taken care  
7 of. She had very little life insurance, very little  
8 money. We had to sell everything we had just to do a  
9 decent funeral for her. Put her next to my father up  
10 at the St. Vincent's Cemetery. She never gave up  
11 hope. She always wrote letters, petitions,  
12 everything. She always fights Attica.

13 In 1991, my mother was on the  
14 Geraldo Rivera Show -- on a teleconference show. She  
15 was in Attica, William Kunsler and Geraldo Rivera  
16 were in New York City.

17 Now, Arthur Eve, you talk a lot  
18 about -- Mr. Kunsler and the things that happened  
19 there, and I realize a lot of things happened there.  
20 But he said something that really upset my mother,  
21 and it is -- it is not true, I -- I do not know if he  
22 did not know the truth, or did not have his facts  
23 straight or what, but they got into a big argument,  
24 which really upset my mother. They were talking

1 about the retaking of the prison and what happened,  
2 and he said -- Mr. Kunsler said, that no hostages got  
3 their throats slashed at Attica, that is a complete  
4 lie. You know that now by talking -- I did not say  
5 anyone died from getting their throats slashed, but  
6 they could have very easily died. A lot of  
7 sharpshooters did a very good work that day. A lot  
8 of guys got their throats slashed, right down the  
9 side of their back, because they men did not have  
10 enough strength to do the job the right way, because  
11 the bullet blew his head off basically. Thank God.  
12 But the attempt was there, and it was done. And he  
13 could not understand that. He did not -- he argued  
14 with my mother on National TV over this, and that  
15 upset her for many years after. That was in 1991,  
16 that that happened.

17 My family received Workman's  
18 Compensation, my mother received Workman's  
19 Compensation till the day she died, in 1999. I can  
20 remember for years. Now, you have got to realize  
21 there were six of us at home still. The two oldest  
22 had moved out. And my mother got a check in the mail  
23 every other week for a one hundred twelve dollars.  
24 That is all she received. Thank God we got Social

1 Security benefits from the Federal Government for the  
2 children, so that we could buy groceries and food and  
3 everything else that was needed. Because we would  
4 not have -- not have made it. We would have lost the  
5 house and everything, on that one hundred and twelve  
6 dollars.

7 Thank God for Social Security.

8 There was a raise in that many years later, I think  
9 it was at least ten years before they -- Workmen's  
10 Comp does not give cost of living raises, they have  
11 a -- a Hearing and they will give a major raise, but  
12 it very seldom ever happened. She did get a raise  
13 and I cannot remember the year, but it went up quite  
14 a bit after that. But for many many years, very  
15 little money was given at all.

16 I have a letter here I want to read  
17 to you. This is very odd, and I went through all my  
18 mother's belongings, I have a lot of her stuff at  
19 home still in a big box that has to do with Attica.  
20 And I was going through it, and I found this notebook  
21 here that I have right here, this notebook, just an  
22 old notebook, and it has got all kinds of things  
23 about depression and stuff. My mother cannot be here  
24 to talk today. She would be in her glory, if she

1 could but tell you, she has tried for this her whole  
2 life, to get something done with Attica, and it just  
3 never happened. And, I was going through this with  
4 my wife in the hotel last night, and in the back  
5 there, way in the back where there is nothing, I find  
6 this old piece of paper, right here. As you can see,  
7 it is just a scribbled piece of paper with some notes  
8 on. I would like to read to you what this says. It  
9 is kind of eerie, because it had to do with  
10 everything we are here for today.

11 Bear with me here, because her  
12 handwriting is kind of scribbled, and it is just a  
13 note, so might have to stop and try to figure things  
14 out. Reading: "The frustration I and the widows  
15 have felt since the death of our husbands, at Attica,  
16 has been extreme. It is difficult to accept the way  
17 things were handled, and the outcome for our men and  
18 families. More concern should have been given to  
19 their safety. The deception and treatment by the  
20 state, rumors and misinformation made many years of  
21 torture for us." Simple things like the throat  
22 slashing, all the stuff you are hearing that  
23 happened, and no one would admit to. "I do not  
24 understand why I still have to live a question. I

1 would like the records to be opened. We should at  
2 least be able to know the truth of what happened  
3 there at Attica". See it says right here, "We need  
4 psychological counseling, which we never got. At  
5 least the same stipend and other families of men  
6 killed in the line of duty that our uniformed people  
7 receive." That is all it says. That is basically  
8 what we are asking for here. If you want to see  
9 this, I would like to -- but if you want to look,  
10 this is her handwriting, this got to be at least  
11 fifteen years old. It does not have a date on it,  
12 she did not sign it, she was just drafting something  
13 up that she was going to write a letter and she never  
14 did. Or may be she did, she wrote many, many  
15 letters.

16 One last thing I would like to say  
17 is just, I am a Correction Officer, I work at  
18 Wyoming. I have been a Correction Officer for  
19 fifteen years. I am a weapons training officer, I am  
20 one of the main trainers at Wyoming. I do a lot of  
21 training. I love my job. I do a good job for the  
22 state. I am a dedicated state employee. I have  
23 applied for many jobs with the state, from  
24 investigators office to canine handler, to absconders

1 unit, to all kinds of things over the years that I  
2 thought felt that I was qualified for. And in my  
3 application I put right in there -- my father was  
4 killed in the Attica prison riot. I never even got  
5 an interview for any of those jobs, except for the  
6 investigator, and they did not think it would be good  
7 for me to be there because I might not treat inmates  
8 fairly. I treat inmates fairly, I have no problem  
9 with inmates.

10 Last but not least, I want to thank  
11 you all for listening to me today, and I -- you have  
12 the chance to do something for me and for my mother  
13 and this group of people. Please do something for  
14 us. Thank you.

15 COMMISSIONER GOORD: Thank you,  
16 John.

17 MR. JAMES CUNNINGHAM: Hi, I am  
18 James Cunningham, the oldest of the Cunningham  
19 brothers. I was twenty four years old when my father  
20 was killed, I was a Vietnam veteran, I was in a much  
21 different situation than my very young brothers were.  
22 And in a way I can understand what happened at  
23 Attica, as far as what happened on the 13th. I do  
24 not understand why the state negotiated with

1 inmates -- basically they painted themselves in a  
2 corner, and on the 13th, they were in the corner,  
3 somebody had to jump, and step on the paint, and that  
4 is what they did. But I cannot understand how men  
5 who were trained primarily for rural road patrol, the  
6 state police were given a totally different job to go  
7 in and retake Attica prison. That is something we  
8 have learned -- the eight of us siblings, in this  
9 process is that we all have very different ideas.  
10 So, with that said, I can understand how that  
11 happened, what I cannot understand is how days later,  
12 senior officials of the state of New York engaged in  
13 a conspiracy to defraud us. And that -- that is not  
14 understandable. That was an act of malice committed  
15 by the State of New York against us -- against a lot  
16 of these people that are in this room. It was wrong.  
17 And here we are asking for basically a government  
18 entitlement program, which -- I am a real  
19 conservative guy, I do not care for them. This is a  
20 tort in my mind, it should be resolved in the courts,  
21 but I -- I cannot win any allies. So maybe you  
22 people can help me win some allies. Because what we  
23 are looking for, we know there was a conspiracy. The  
24 question that I have in my mind is, does that

1 conspiracy continue today? We do not know, and we  
2 want an answer for that. So, whatever you people  
3 choose to do, that will be -- that will serve as our  
4 answer to that question.

5 And that is about all I have.  
6 Thank you very much. We do have a family statement  
7 that we all contributed to, and I would like to give  
8 that to you now. And I guess that is it for the  
9 Cunninghams.

10 COMMISSIONER GOORD: Do you want  
11 this to be part of official records?

12 MR. JAMES CUNNINGHAM: Yes, please.  
13 It has all of our signatures on it.

14 MR. AUBREY: One of the issues that  
15 is constantly raised is the timing in which officials  
16 from the state came to talk to the families. Were  
17 you present when -- with your mother when any state  
18 officials visited with her?

19 MR. JAMES CUNNINGHAM: I was not --  
20 no I lived actually in Orange County, New York at the  
21 time. So after the funeral I went back to my family  
22 in Orange County, so I was not much help to my  
23 mother. Probably, my sister and her husband were the  
24 most helpful. And they are not here today.



1 COMMISSIONER GOORD: -- Mark --

2 MR. MARK CUNNINGHAM: Uh-huh.

3 COMMISSIONER GOORD: -- fourteen at  
4 the time --

5 MR. JOHN CUNNINGHAM: -- I was to  
6 young.

7 MR. JAMES CUNNINGHAM: They were  
8 there, Commissioner Oswald was right there shortly  
9 afterwards. And I remember he put his arm around my  
10 mother and he said, "Do not worry, do not worry, we  
11 are going to care of you." He said -- he said like  
12 we are from the government, we are here to help. But  
13 that was when -- like a couple of weeks, and there  
14 was a whole entourage of people with him.

15 MR. AUBRY: Constantly, for that  
16 period of time.

17 MR. EVE: I agree with you. This  
18 Attica was absolutely horrible. And all of us would  
19 like to put it behind us. I have never read the  
20 McKay Commission report. I have never read Tom  
21 Wicker's book, and will never read them. I needed  
22 help afterwards and I have gone through some very  
23 difficult situations. Even being here is extremely  
24 difficult for me. Let me -- you said your mother

1 got -- and -- and -- someone else testified earlier,  
2 a one hundred twelve dollars every two weeks, plus  
3 Social Security. Do you have any idea how much this  
4 Social Security check was?

5 MR. JAMES CUNNINGHAM: I do not  
6 know.

7 MR. EVE: No? And what the value  
8 was?

9 MR. JAMES CUNNINGHAM: I know -- I  
10 do not really recall. It was much more than what we  
11 got from the State of New York. I know that -- I  
12 think it was four hundred and some odd dollars a  
13 month. There was a monthly check, not every other  
14 week.

15 MR. EVE: Monthly check. The other  
16 question I guess I need to ask some expert this but,  
17 she would have gotten the -- would she have gotten  
18 the Social Security check if she had gone in the  
19 court? Won, the lawsuit --

20 MR. JAMES CUNNINGHAM: Yes.

21 MR. EVE: -- and got a million  
22 dollars --

23 MR. JAMES CUNNINGHAM: Yes. That  
24 is if she --

1 MR. EVE: -- would she still have  
2 gotten the Social Security?

3 MR. JAMES CUNNINGHAM: As far as I  
4 know, yes. Because that is because her -- the  
5 husband was dead.

6 MR. EVE: Yes.

7 MR. JAMES CUNNINGHAM: No matter  
8 what you did for a living, you --

9 MR. EVE: So --

10 MR. JAMES CUNNINGHAM: -- Social  
11 Security benefits --

12 MR. EVE: -- so -- so, the only  
13 thing that the state could say they did, was the  
14 compensation. And that was the -- a one hundred  
15 twelve dollars --

16 MR. JAMES CUNNINGHAM: Yes.

17 MR. EVE: -- ever two weeks. I  
18 want to commend the Governor for putting this task  
19 force together. And I hope and pray that we will  
20 come to a conclusion this year. The facts are very  
21 loud, very clear, and I think that what the group has  
22 requested to the five, conditions are very  
23 reasonable, very fair, and I would not want to have  
24 Kunsler diminished in -- and Bill and I used to

1 disagree on some things. It was -- he was a little  
2 more radical than I was. But -- but I will never  
3 forget his courage on Saturday, when he said to the  
4 inmates, "Accept what they have offered, this is the  
5 best you are going to get." And he wanted them to  
6 give up. Okay? And again I repeat, the only  
7 outstanding question was what was going to happen  
8 once they gave up? Were they going to be beaten,  
9 brutalized or whatever. They wanted the assurance.  
10 And five of us had volunteered to stay in the prison,  
11 during the takeover, so, we could monitor once they  
12 gave up and we -- we -- all we wanted the Governor to  
13 do was just talk and -- to the -- and come to the  
14 airport if he could, but talking to the inmates and  
15 let them know that there would be no physical  
16 reprisals.

17                   It is -- I hope that justice will  
18 be done. And that Attica will be closed and all of  
19 the information, autopsies and everything else that  
20 you want, you will be given the opportunity. I was  
21 there when your -- when your father spoke out and  
22 appealed to the Governor to come to Attica. I was in  
23 the yard, and so I -- I -- I would -- I would hope  
24 that this could be resolved within a reasonable time

1 this year, and because it was the worst act by a  
2 government, in the century of last year, the worst.  
3 No other act by federal state, city, county, town,  
4 village was as dastardly as that particular act  
5 and -- and I think the state legislature -- I am here  
6 representing the speaker of the assembly and I will  
7 debate and argue and fight that whatever we come up  
8 with, that the assembly delivers on their part of it  
9 and -- and so, I hope we can figure out what is a  
10 fair compensation for a person's life and to the  
11 family and to the hardships that your mother went  
12 through and all of you went through. But, I am in  
13 hopes that we can come to a conclusion this year.

14 MR. JOHN CUNNINGHAM: One -- one  
15 more thing I would like to say about my mother.  
16 While you were talking, things were going through my  
17 head. I was very young. I was eight years old when  
18 my father died and I can remember many, many nights;  
19 probably for about the first year after my mother  
20 passed -- after -- passed away, after my father  
21 passed away, I would go to bed and I could hear her  
22 downstairs crying, listening to old records that --  
23 when they dated years ago and stuff. I mean, she was  
24 very emotional and no counseling, nobody would help

1 her with these things. She was a wreck the first  
2 year but she held us together and I give her a lot of  
3 praise for that. But I mean, as far as making any  
4 logical decision and what to do as far as money or  
5 anything, as far as dealing with the state, she was  
6 in no position at all. And as far as counseling  
7 goes. I can only speak for myself, not the whole  
8 group, but, these hearings are my counseling. For  
9 years, I am talking years. Nobody talked about  
10 Attica. I grew up in Attica my whole life, I still  
11 live in Attica. I live at main Street in Attica, and  
12 we never talked about Attica. There is -- I have  
13 learned more since this group has started than I have  
14 ever learnt and it helps me. Some of it is not very  
15 good, a picture seeing my father dead on a slab with  
16 a bullet hole in his head did not impress me very  
17 much but it was something I had to see. I had to see  
18 how he died. And I am learning a lot from people  
19 talking here. I will not miss any of these hearings.  
20 Thank you.

21 MR. GOORD: Thank you.

22 MR. EVE: Okay. Let me -- let me  
23 just ask you -- in the last -- when you said, you  
24 wanted to do something else other than this in order

1 to come to --

2 MR. EVE: I -- I think this is  
3 tort.

4 MR JAMES: Uh-huh?

5 MR. EVE: I think this is tort. If  
6 someone has been wronged, then we should go to court  
7 and seek a solution. But, everyone else has faith in  
8 you men.

9 MR. EVE: Well, let me ask you  
10 this. If -- if -- if they -- if you are not  
11 satisfied with what is concluded, can you still go to  
12 court? It is my understanding because they accepted  
13 the Compensation, that a suite is out. I mean --

14 MR. JAMES CUNNINGHAM: A suite for  
15 wrongful death. Yes.

16 MR. EVE: Yes.

17 MR. JAMES CUNNINGHAM: I believe  
18 that is not considerable at this time. No.

19 MR. EVE: Okay. But, you would go  
20 in on tort?

21 MR. JAMES CUNNINGHAM: When you are  
22 the victim of a fraud which we were --

23 MR. EVE: Fraud?

24 MR. JAMES CUNNINGHAM: -- there is

1 legal recourse, and we would pursue that.

2 MR. EVE: But the fraud happened  
3 after the -- the shooting was over --

4 MR. JAMES CUNNINGHAM: Yes.

5 MR. EVE: The fraud was the lies,  
6 the -- the basic deception and whatever.

7 MR. JAMES CUNNINGHAM: It was  
8 settling with my mother when she was not in a good --

9 MR. EVE: Frame of mind.

10 MR. JAMES CUNNINGHAM: Yes.

11 MR. EVE: Okay.

12 MR. JAMES CUNNINGHAM: -- that --  
13 to me that is the issue here. As I said, I can  
14 understand basically what happened in Attica as far  
15 as the riot, their attempt to deal with it in a way  
16 that I do not approve of. But then what happened on  
17 the last day?

18 What choice did you have? How  
19 could it have ended any better? Better -- I mean  
20 that is my perspective. Other people have a  
21 different look at it.

22 MR. EVE: Well, let ask you this.  
23 Because we would like to get this behind us.

24 MR. JAMES CUNNINGHAM: Uh-huh.



1 MR. EVE: If the conclusion is such  
2 that people are satisfied -- you know, including you  
3 and everybody else. Then the possibility of you  
4 going into court on a separate lawsuit, would you be  
5 willing to accept and drop this so we could get this  
6 behind us?

7 MR. JAMES CUNNINGHAM: Well, and in  
8 the --

9 MR. EVE: Whatever lawsuits you are  
10 contemplating on, would you be willing to drop it  
11 if -- if this thing worked out all right.

12 MR. JAMES CUNNINGHAM: In -- in  
13 the --

14 MR. EVE: -- to everybody's  
15 satisfaction.

16 MR. JAMES CUNNINGHAM: In the  
17 legislation that Senator Volker supported in the  
18 past, a condition of taking that award was to sign  
19 off on any --

20 MR. EVE: Everything --

21 MR. JAMES CUNNINGHAM: -- and we  
22 would be willing to do that. That is not a problem.

23 MR. EVE: Okay. Good.

24 MR. JAMES CUNNINGHAM: I mean,

1 you --

2 MR. EVE: No.

3 MR. JOHN CUNNINGHAM: I need to say  
4 one more thing. One more thing Mr. Eve? You have  
5 read any of the books or nothing about the riot?

6 MR. EVE: No. Never.

7 MR. JOHN CUNNINGHAM: There is one  
8 thing that is unique about this prison riot, it was  
9 on TV. You can actually see a footage, you get state  
10 police films of when the gas was dropped, the snipers  
11 doing their job. I know it is quite emotionally  
12 upsetting to you but I mean, --

13 MR. EVE: Yes.

14 MR. JOHN CUNNINGGAM: -- for  
15 anybody else wants to know. You can see this on  
16 film. You can see what happened and you can hear the  
17 gun shots.

18 MR. EVE: Let me -- let me say that  
19 the -- the most difficult six months my wife had with  
20 me was after Attica. I was a monster to live with.  
21 I wanted to kill Rockefeller. I actually planned  
22 assassinations. Okay. I was sick. You know -- and  
23 my wife caught holy hell. Okay. holy absolute hell.  
24 So, someone in New York City talked with me and

1 really helped me a great, great deal. But, my wife  
2 caught hell for about six to eight months, from me.

3 MS. AMY VALONE: Mr. Kunsler is  
4 wonderful man, ready to go in there, the poor man is  
5 dead. But, I got very incensed, because the way I  
6 saw it on the TV. He got them all charged up again.  
7 Because he said -- you know, almost I cannot quote,  
8 but to my way of thinking, what you said was stick  
9 with it boys, even if you lose your life, this is a  
10 great cause and it -- it made a big -- and they were  
11 all stimulated all over again, and after Carl died.  
12 I wrote him a letter, and I said Mr. Kunsler, I said  
13 a lot of things, but I said how could you live with  
14 yourself, knowing that maybe this could have calmed  
15 down, and then you rev'd them all up again.

16 I realize that -- you know, you are  
17 Liberal and the state causes it, but how about these  
18 law suits, because you had some figure in mind and  
19 what I am -- this thing I wrote is a seven or eight  
20 page letter and, saying all these things but he never  
21 really answered my question, or said maybe I should  
22 have done that.

23 Well, I think in my head, I did not  
24 know how anybody else was but I still saw, maybe

1 things could have -- if -- I just had to say that,  
2 because I felt that for years too.

3 MR. VOLKER: Can I just say  
4 something. It was Bobby Celes, it was not Kunsler.  
5 And I have the films. By the way I -- his fist  
6 flying in the air and so forth. I -- I only  
7 mentioned it. The second thing, he did not mention  
8 Arthur is, it is that -- Saturday and Sunday, three  
9 people were murdered by the inmates.

10 MR. EVE: Yeah.

11 MR. VOLKER: He did not know that.

12 MR. EVE: No.

13 MR. VOLKER: Neither did Kunsler  
14 Williams know that. As they had their information.  
15 I just want you to know that -- this finally -- your  
16 mother was a wonderful woman and I want to tell you  
17 if there were four or five of her, the situation  
18 might have been different. The problem was, there  
19 are two few people who want to really get involved or  
20 raise any issues. Very few people would support --  
21 would support us frankly. And your mother was a  
22 tiger. And she would call me and then -- sometimes  
23 she would call me every week and --

24 MR. JOHN CUNNINGHAM: She never

1 gave up.

2 MR. VOLKER: I know. And I mean --  
3 I admit to you sometimes that I went to see her a  
4 number of times and we talk. But I want to tell you  
5 something, she was a great woman, I only knew your  
6 father casually, I -- I did not really know him.  
7 But, she was a great woman and I wish we had more of  
8 her.

9 MS. MARY ANNE VALONE: Do I need to  
10 use the mic --

11 MR. EVE: Yeah, please.

12 MARY ANNE VALONE: I need to just  
13 make one statement.

14 MR. EVE: Yeah, please.

15 MS. MARY ANNE VALONE: When my  
16 mother. When my mother was talking about Kunsler --

17 MR. EVE: Uh-huh.

18 MARY ANNE VALONE: That is what she  
19 was talking. Bobby Celes is another -- they are two  
20 separate people -- so, please do not say no, I saw  
21 the films, and I know -- we are all here. Whose left  
22 of us are here. And we can speak for ourselves.

23 MR. EVE: That's fine.

24 MR. EVEMS. MARY ANNE VALONE: All

1 right, thank.

2 (Applause)

3

4 COMMISSIONER GOORD: Mr. G. B.

5 Smith. Good morning.

6 MR. SMITH: Good morning gentlemen.

7 My name is Eugene Smith. Most people call me Gene.

8 That is the nickname I have had since I was about

9 three days old. I started working for the Department  
10 of Correction as a Correction Officer on January

11 31st, 1963, at the Wallkill Correctional Facility,

12 where I had gotten a temporary appointment. In April

13 of '63, I received my permanent appointment to Green

14 Haven, when I -- shortly after that I transferred to

15 Mattawan, and then December 4th of 1964, I

16 transferred back to Attica. I worked at Attica until

17 November '85. When a Wyoming Correctional open, I

18 transferred out there, and I retired from there in

19 April of -- April 24th in 1996.

20 Now, getting back to September of

21 '71, on September 8th, there was a union meeting down

22 at the fire hall where there was pretty good

23 attendance and the problems that had occurred in A

24 Yard that afternoon and night were discussed, and

1 that is when Lieutenant Maloney was jostled around in  
2 the yard, and they got the inmates in the block. An  
3 inmate, as they were bringing him out -- out of his  
4 cell, taking him to SHU. Correction Officer Tom  
5 Boyle got a can. I always thought it was a tuna can,  
6 somebody said it is soup, but a can was thrown out of  
7 a cell, hit him in the face -- so, that -- all that  
8 was discussed at the union meeting about -- you know,  
9 tomorrow could be a busy day. But, that had been  
10 going on all summer.

11 So, September 9th was not a D day  
12 as General Eisenhower had there. That was just a day  
13 that the things happened. On the 9th, there was a  
14 short mention of the problem in the yard, the night  
15 before and in roll call, and I was assigned to metal  
16 shop, my job was at that time -- day off relief. I  
17 had two days downstairs Metal 1, two days upstairs  
18 Metal 1. And the other two days were in B block,  
19 general. So, that morning after roll call, Mike  
20 Smith and myself were walking back to the shop and on  
21 the way, Mike had just had a two week vacation relief  
22 upstairs in metal 1. So, he knew that job. That was  
23 supposed to be my job for the day. So, I am  
24 explaining what he had to do. He was assigned

1 downstairs, I was assign -- talking to him, telling  
2 him the things he had to do, there was no real big  
3 major thing he had to do. Just a lot of little  
4 things, you know, log the files if the inmate got out  
5 and all that. So, we got about half way to B block  
6 and I told Mike, when we get there, we will tell  
7 Sergeant -- Sergeant Cunningham, I got downstairs,  
8 you got upstairs. He will not really care. If we  
9 have a warm body in both places. Well, as it turned  
10 out it did not make any difference if we were  
11 upstairs or downstairs, Mike -- both ended up on the  
12 yard. I was there before he got there, but.

13                   And, we got there, told Sergeant  
14 Cunningham, I had downstairs, just give us our keys,  
15 and off to work we went. Around -- I am not sure of  
16 the time, 8:45 or so, the whistle in the powerhouse  
17 started blowing. And the only time you heard that  
18 was if there had been an escape. So, I am thinking,  
19 Jesus, somebody must have taken off from the Fire,  
20 because that is the only people that were outside,  
21 but then we found out later that was not the case.  
22 And, sooner -- I do not know exactly again what time,  
23 but industrial foreman Fred Miller comes back to me  
24 in the middle of the shop where my desk was and said



1 that Correction Officer Gary Walter had ran by the  
2 door in the front of the shop, he told him to lock  
3 it. There is a problem someplace. He did not know  
4 exactly what it was and Fred could not tell me  
5 either. So, I asked him, I said well, did you lock  
6 the door? And he said, yeah. So, I thought well,  
7 that is good. And the eighty or so inmates who were  
8 in my shop, they did not really seem to have much to  
9 do with this whistle blowing, they were just standing  
10 around, milling around and eventually -- I noticed  
11 that a lot of them had armed themselves with lengths  
12 of -- short lengths of pipes and other things like  
13 that, in the shop, and -- one of the inmates who was  
14 a clerk, come out -- and he had a one -- two foot  
15 length of -- inch and a half pipe probably, and I  
16 called him by name, I have no -- I cannot remember  
17 his name now, it is thirty years ago -- you know,  
18 what is the pipe for, and he said, "That is for my  
19 protection, Mr. Smith, I am not planning on using it  
20 on you", which I was in full agreement with -- he was  
21 not planning on hitting me with it. When I started  
22 looking out the windows, and you could look out the  
23 window on one side where the garage area was, the  
24 store house and there was a lot of inmate movement

1 out there. Now this is a -- semi-restricted area,  
2 not supposed to be these inmates out there. Now they  
3 have all got baseball bats, pick handles, they  
4 have -- they have armed themselves pretty good, and  
5 running back and forth, and -- now, once again the  
6 inmates in the shop, they did not seem to really want  
7 to get too involved in this, but the -- the one  
8 inmate, he -- as -- as John mentioned earlier,  
9 Sergeant Cunningham -- we could have left the shop.  
10 I could have left the -- out the back door used my  
11 marine corps training and stayed -- stayed my post.  
12 And that was a stupid thing to do but, I should have  
13 gone out the back door, I will come back and get the  
14 shop later, but -- you know, stay there, because that  
15 is what you are supposed to do, and there was a large  
16 group of inmates banging on our front door. Now that  
17 door opened out into the corridor. They were trying  
18 to push it in. Well, they would still be there  
19 today, trying to push it in, it would not give. But,  
20 there was one inmate in the shop who took an electric  
21 pallet mover, drove it around and rammed it into the  
22 door, and when he hit the door, the door popped open.  
23 These inmates started to come in. Well, there was  
24 two inmates in the shop who asked the two miller

1 foremen, that was Brad and Ed Miller and myself, to  
2 go in to the office. They -- they protected, these  
3 two inmates were going to try and protect us. Well,  
4 they did just exactly what I would have done if I was  
5 in their case when this hoard of inmates come in --  
6 they stepped aside. They brought us out of the  
7 office, told us to strip, -- well I did not take my  
8 shoes off, and -- little later I will explain why it  
9 was -- it was a good idea, I did not realize it but I  
10 was having a tough time getting my pants down over my  
11 shoes, so one of the invading inmates took my night  
12 stick -- baton -- whatever you want to call it, and  
13 proceed to beat my butt with that, and all of a  
14 sudden I heard a voice of one of these two inmates  
15 who said they would protect me -- they said that is  
16 enough, he is a pretty good hack, and with that they  
17 stopped beating me.

18 I continued undressing -- now,  
19 while I was -- all of a sudden there was one inmate  
20 whom, I had always had a pretty good -- got along  
21 with him good -- or whatever, and all of a sudden he  
22 started cussing and swearing and -- they were looking  
23 for somebody to take us to the yards -- and he is, I  
24 will take them mother -- sons of bitches to the yard,

1 and I am thinking what happened to this guy? He was  
2 an inmate who I had always get along with, I would  
3 ask him to do something, no problem. So, all of a  
4 sudden, " yeah, brother go take them, take them". So  
5 out of the shop we go on -- he is cussing and  
6 swearing, and I am thinking, boy, this is not the  
7 same inmate. We get to be B block, and there is a  
8 bunch of inmates in there, and now they have got the  
9 hall captains desk at that time turned over, it is on  
10 fire, papers all over the place, a bunch of inmates  
11 come at us with baseball bats and other weapons, and  
12 now this guy who was escorting us to the yard,  
13 hollered once more " Get away, these are my mother  
14 F -- hostages, and everybody was "Yeah, now, way to  
15 go". And it was like he was going to get some kind  
16 of a reward for taking the three of us to the yard.  
17 Now, as we are going up the corridor towards Times  
18 Square, we got about halfway, which is roughly the  
19 yard door, he come right up behind me and said,  
20 "Don't worry Mr. Smith, I am going to try and get you  
21 to the yard as easy as possible." Well, I had  
22 started to turn around, and he started off, "Don't  
23 turn around." Because there was a group of inmates  
24 at the Square. And he did not want them thinking

1 that we were talking -- I am assuming, so I turned  
2 around, we got to the Square, they were coming out to  
3 beat us there and he just hollered -- you know, "Get  
4 away, these are my hostages." They backed off. We  
5 got to the yard, he turned us over to a group of  
6 inmates there. From there we were taken over to a --  
7 by the TV. Over in the corner of the yard, where C  
8 and -- D and B block come together there is a --  
9 there is a TV. and we sat there for quite a while and  
10 then as more hostages come out, we would -- pretty  
11 soon there were so many of us over there, they moved  
12 us all to the center of the yard and sometime that  
13 morning, ten, ten thirty, whatever, that is when  
14 they -- they blindfolded us again. And at that time  
15 they tied my hands behind my back. And my feet were  
16 tied, I guess they thought we were going to try and  
17 escape, but that was not too feasible. So we are in  
18 the -- in the center of the yard, and after a couple  
19 of hours -- boy my shoulders were killing me with my  
20 hands tied behind my back. And asked somebody if  
21 they could -- if they just undo my hands and tie me  
22 in front, which they did, and boy that was a -- that  
23 was a big help because my shoulder stopped aching.

24 And while we were blindfolded

1 there, they -- different ones come -- would come  
2 in -- hostages, different hostages would be brought  
3 to the circle. And we are laying on the ground and  
4 I -- stretched out a couple -- three times, and I  
5 seemed to be kicking somebody. So I am -- asked  
6 "Gees, I am sorry, I -- who did I kick and I got the  
7 answer back, this is John -- John D'Archangelo. Now,  
8 John had been there just a short time, I did not  
9 really know him. He worked in a different part of  
10 the prison. I believe A block, I am not really sure.  
11 So I did not know him real well. But I -- after I  
12 kicked him three or four times, I got to know him  
13 quite well.

14 And -- so -- we -- finally, we were  
15 blindfolded from Thursday morning ten -- eleven  
16 o'clock until sundown, Friday night. And when they  
17 finally took the blindfolds off, it took me quite a  
18 while to get my eyes focused, because it had been  
19 closed for so long, I guess. And finally I got to  
20 meet John D'Arcangelo in person. And we shook hands  
21 and all that sort of stuff.

22 Then I was -- two separate  
23 occasions that -- when they -- they fed us. They  
24 give us two different days -- cheese sandwiches.

1 Well I did not -- did not really have much of an  
2 appetite. So Ronny Werner was sitting on my left one  
3 day, on my right the other day, and I broke the  
4 sandwich in half and asked Ronny if he wanted half.  
5 He said yeah, I give him the half one day and the  
6 next day I give him the other half. And both times,  
7 it happened to be the bottom part of the bread. Now  
8 that crust was a lot softer than the top crust. On  
9 the day of the take over, Ronny was hit on the face,  
10 I do not remember right or left side, shattered his  
11 cheek bone and was extremely tough for him to chew,  
12 and he thanked me for giving him the soft part of the  
13 sandwich. Well, I did not do it on purpose, it was  
14 by accident that I just handed him the sandwich, and  
15 we joked about it little bit but -- you know, I  
16 was -- now that Ronny -- Ronny has been killed, I am  
17 glad I did it.

18 The next few days, they just seemed  
19 all blend together. It is hard to tell Monday from  
20 Tuesday and all that, but there was -- seemed to be  
21 pretty much a carnival atmosphere out there at one  
22 time, and things were -- you know, the inmates would  
23 come up and joke with us and then -- of course there  
24 was other times when they would come up and they

1 would be threatening us, they are going to kill us  
2 with -- one inmate had a big sword I do not know  
3 where the hell he had that hidden, but he was going  
4 to -- they were going to kill us, but then the  
5 Muslims would say, no, back off. Now, I do not know  
6 if they were play acting or if this guy was really  
7 sincere about doing whatever he wanted to do.

8 But then word got out there that  
9 Billy Quinn had died, and there was a great mood  
10 swing in both inmate and hostages. Everybody knew  
11 that was a whole new ball game now, and on the  
12 twelfth which was Sunday, things were a little tense  
13 out there. That happened to be my oldest -- our  
14 oldest daughter's birthday -- the twelfth. And, I  
15 thought it would be nice if they let me go to the  
16 Birthday party, I would come back later that night,  
17 they could hold my spot on the mattress and I would  
18 be back -- I would be back, you know.

19 MR. AUBREY: You are --

20 MR. SMITH: You do not believe me,  
21 Mr. Aubrey.

22 MR. AUBREY: No --

23 MR. SMITH: I am Sorry.

24 You are too smart for that.



1 MR. AUBREY: It is a great thought.

2 MR. SMITH: Yeah, I know. So,  
3 Sunday it rained. All of us, inmates and hostages  
4 were wet and cold, and at sometime Sunday night we  
5 needed a light for our cigarette and this inmate whom  
6 I knew, threw a Zippo lighter in to me, lit the  
7 cigarette and I passed it back to him and he says,  
8 "Here, Mr Smith, you keep it. This is just about  
9 over." Now, he must have known some thing that we  
10 did not know, but he -- and one time with that  
11 cigarette, Big Ed, he -- he had quit smoking, but he  
12 started smoking again out there in the yard. And it  
13 got to the point where I had smoked so many  
14 cigarettes, I -- they were -- so, he says, you just  
15 keep -- keep it lit. So, I would hold it until it  
16 would get right down to my finger, then you hand it  
17 to the next guy, he would light his cigarette. We  
18 had to keep it going that way.

19 And then, on the morning of the  
20 thirteenth after Commissioner Oswald's ultimatum, we  
21 were blindfolded at that time, my hands were tied, my  
22 feet were tied, and I stayed in the yard. I was down  
23 in the yard at the hostage circle, and we were all  
24 assigned a inmate executioner. The inmate who had

1 me, he must have known me from B block, and respected  
2 me the way I handled my self and inmates, because  
3 when the shit the fan, they dropped the gas, the  
4 shooting started. He threw me on the ground, never  
5 hit me, never did nothing, and I had up along side my  
6 head just before that, a -- what felt a like a  
7 breaker bar for a ratchet set it was hard and cold up  
8 alongside of my head, and he just threw me on the  
9 ground, and while I was on the ground I could hear  
10 somebody hollering, stand the hostages up, so they  
11 can see they are all right. Now this must have been  
12 one of the Muslim leaders I am assuming, I am not  
13 really sure. Now, you could hear the -- the  
14 helicopter going over, "Put your hands on your head,  
15 you will not be harmed," and all that sort of stuff.  
16 But, they kept saying stand the hostages up. So I  
17 stood up not realizing with the blindfold on how much  
18 smoke and tear gas was in the yard. I did not --  
19 until I had seen movies later, I did not realize just  
20 how bad it was out there.

21 While I am standing up this time,  
22 something exploded near us, and Dick Fargo was off to  
23 my side and Donny Almeider, and then me. It was like  
24 a domino effect, boom, boom, boom, we all went down.

1 Now, this time while I am down on the ground I untie  
2 my feet, and I am able to untie my feet and they are  
3 still hollering, "Stand the hostages up." So I  
4 thought it was a great idea to stand up and so I  
5 could -- they could see me. Now, I do not realize  
6 just how hard it was for the state police at this  
7 time to see, and I stood up again and all of a sudden  
8 I heard this gruff voice saying, "Do not move you son  
9 of a bitch, or I will shoot you." With that I took  
10 my thumb, slid my blindfold up and there was this --  
11 the tallest trooper I had ever seen. Mr. Aubrey, he  
12 was taller than you.

13 MR. AUBREY: Uh-huh.

14 MS. SMITH: And, he is holding a  
15 twelve gun -- twelve gauge shotgun on me, and when  
16 you are looking down at the end of a twelve gauge  
17 shotgun. You know, that barrel looks like it is  
18 three or four inches across, and with -- about that  
19 time one of the -- the correction officers who came  
20 in with the troopers for identification purposes  
21 tapped him on the shoulder and says he is one of  
22 ours, and with that he took the shot gun off me and  
23 he turned said good luck and headed off into the --  
24 the yard some place, I have no idea where he went,

1 but he -- he left. Now, while I am standing there --  
2 but just before that, I could hear the bullets going  
3 over my head. Now, I am probably 5'9", had I have  
4 been 6'2", I would not be here in Albany this morning  
5 talking to you, because they were flying over pretty  
6 close.

7                   And, after we were identified, we  
8 were escorted out of the yard and I was taken up  
9 those ladders that they showed yesterday, were  
10 brought in by one of the attacking teams or whatever  
11 Malcom called them, and I got up there -- I got up on  
12 a catwalk, and the tear gas had not really effected  
13 me too much I did not think. I had a pretty good  
14 idea where I was, and I had two officers leading me  
15 off the catwalk, down the catwalk, as it turns out  
16 toward C block. I thought I was going towards A  
17 block.

18                   Now commissioner, you have been in  
19 A block I imagine, you know how that they cross over  
20 at the hall. Now, that is where I thought I was  
21 going. When I got inside the block, the two officers  
22 ahead of me tried to pull me forward and I was  
23 fighting with them I said no we have to go right or  
24 left here. Well, as it turns out I did not want to

1 be thrown over that railing. As it turns out, I was  
2 in C block and there is a small locker room there, so  
3 when they explained to me where I was then I went  
4 more freely, but I did not want to get thrown over  
5 that railing after I had gone through all the  
6 shooting and all that. Thinking that at least I made  
7 it this far. So, when they -- they took me out down  
8 the sidewalk, and once I got -- I could not see now  
9 that the gas has gotten me totally blind. As I am  
10 going down the sidewalk towards the wire gate, the  
11 wind blowing up through there helped clear my eyes  
12 out, and that it also cleared my sinuses and  
13 everything else. When I got to the ambulance they --  
14 we were pretty well drenched in the tear gas, and  
15 everybody in the ambulance was -- their eyes were  
16 watering from what I brought with me.

17 On the way to the hospital in  
18 Batavia, was were heading out of Attica out there by  
19 where Newell's Dairy used to be, a car pulled out  
20 right in from the ambulance, once again I am  
21 thinking, damn, I made it through all that, I am  
22 going to killed in a car accident. So, the car  
23 managed to get there -- get by us.

24 When I get to St. Jerome's, they

1 check me over, and I knew one of the nurse's and she  
2 got me in touch of a phone. I called home expecting  
3 my wife Joan to be there. And I did not realize that  
4 she was standing out in front of the prison. No  
5 answer, I called my neighbor's house, no answer. So  
6 I finally called where my wife was working, and they  
7 say -- Jeez, I believe your wife and three daughters  
8 are up in David at her mother's. So I called there.  
9 I talked to my mother-in-law, told her I am in  
10 Batavia at St. Jerome's hospital, I am fine. You can  
11 get hold of Joan -- whoever, come and get me. Well,  
12 unbeknownst to me, a sergeant come out from the  
13 prison -- come out and says, G.B. is okay. And, they  
14 have take him to the hospital, he is in Warsaw. Just  
15 a slight communication's gap there.

16 So Joan and my father-in-law go to  
17 Warsaw. They get there, and they were checking for  
18 Eugene or G.B. Smith, anything. They told him they  
19 are sorry, but we have an Arthur Smith, but no G.B.  
20 So they were resigned to the fact that I really did  
21 not make it, and it did not look good. They  
22 called -- Joan calls her mother and says that it does  
23 not look good for G.B., we cannot find him. She  
24 says, I just talked to him, he is at St. Jerome's in

1 Batavia. They come to Batavia, get me, bring me  
2 home. And, on the way from Warsaw to Batavia, I was  
3 interviewed on WBTA, the local radio station, they  
4 heard my voice on the radio, so they recognized it  
5 and realized that I was in fact okay.

6 We get home. I was headed for the  
7 shower and Joan says, "Wouldn't you like a beer?" I  
8 said, that is a great idea. After a six beers, I  
9 tried to find the shower. And then we went to  
10 another party, and but moving on -- on Thursday,  
11 September 16th, which is Commissioner Oswald, or one  
12 of his staff -- I am not sure who called. Called us  
13 and said there was a meeting at the Presbyterian  
14 Church in Attica, at eight O'clock that night. So  
15 please come, we have -- we are going to have this  
16 meeting. But we were not to tell anybody about the  
17 meeting, because they did not want no press there,  
18 just the hostages who were able to be there and their  
19 families, or whatever.

20 We got there. The Commissioner  
21 addressed us and told us do not worry about a thing,  
22 boys, we are going to take care of you. And we did  
23 not realize just what he meant by that, because they  
24 sure took care of us. And he also mentioned, take

1 six months off with pay, here again I took ten weeks  
2 off, after that I decided I had to get back to work,  
3 because I was spending too much time in the local  
4 taverns and the golf course. Not so much to golf  
5 course itself, the bar part of the golf course. And,  
6 so I went back to work, and they assigned me Sergeant  
7 Elmore who was the Sergeant. Sergeant says, I got a  
8 great job for you if you want to come back to work, I  
9 was assigned to the -- the lock gates, where I  
10 escorted delivery trucks in and out. Limited inmate  
11 contact, and the only inmates I would see were the  
12 outside gangs going out which are supposedly your  
13 better inmates, have been screened. And, I had that  
14 job for about thirteen years before I finally did  
15 another job, then I -- that was another job that had  
16 limited inmate contact, but had weekends off. That  
17 pretty much gets me down to the -- the five points.  
18 I guess, one thing when I -- when I got my pay  
19 checks, I did not know that my check at that time was  
20 three hundred ninety dollars. I did not realize that  
21 one hundred ninety dollars of that three hundred  
22 ninety was Workman's Comp. It did not say that on  
23 the check, that so much is Workman's Comp, it was --  
24 and I kept getting these things later from Workman's



1 Comp, having no idea what they are talking about,  
2 because I had never signed up for Workman's Comp that  
3 I knew of.

4 This was done by the Steward's  
5 office, somebody signed us up for work -- signed me  
6 up for Workman's Comp unbeknownst to me. And by them  
7 doing that, and me cashing my first check, which I  
8 had a hard time cashing because it was only three  
9 hundred ninety dollars, every other officers that  
10 walked in, the Super Duper to cash their check was  
11 over a on thousand dollars because they had seven  
12 days a week, twelve hours overtime, all that, and the  
13 girl there says, G.B., this cannot be the right  
14 check, there must be a mistake. No, that is it, that  
15 is what I get. Everybody else was getting overtime,  
16 I did not get any. And, because I was not working.  
17 But as far as the five points, the memorial service.  
18 Hopefully the Department of Correctional will allow  
19 these to continue for as long as their family members  
20 are alive to carry them on. I know, commissioner you  
21 granted us that request, I am hoping that whoever  
22 replaces you will see to it that the same thing --

23 COMMISSIONER GOORD: You know  
24 something that I do not.

1 MR. SMITH: Well, no. What I am --  
2 what I guess what I am saying sir, chances are you  
3 are not going to live for ever, nor am I.

4 MR. GOORD: I -- I --

5 MR. SMITH: Now, I am -- I am  
6 joking with you also. Now, I hopefully -- everybody  
7 I talked to they want to keep you around for a while.  
8 I keep talking to these guy's and they say Tony's  
9 doing a great job.

10 COMMISSIONER GOORD: I was just  
11 concerned.

12 MR. SMITH: I -- I hope I helped  
13 you do some thing to your concern. Counseling, now  
14 any member of our group and their families who deem  
15 that they need counseling. I am hoping that the  
16 state will, at their expense, take care of that. I  
17 personally do not think I need counseling, but if you  
18 would ask my wife, she might say something different.

19 And I would like -- open the  
20 records, I believe any member of the forgotten  
21 victims of Attica who would like to see these sealed  
22 records, should have the right to see them. I am  
23 in -- I am not in favor of just anybody having access  
24 to these files. As far as me seeing the -- the

1 records, I am not really interested. I do not  
2 believe there is anything in there that I personally  
3 want to see. If there are people in our group who  
4 do, and for that fact I would like that -- that  
5 happen.

6 Compensation, I believe that each  
7 surviving hostage should be awarded, and I scratched  
8 this out -- a couple of three times, my wife and I.  
9 I put down a million dollars, my wife thinks that is  
10 a little too much, but I think the widows should be  
11 awarded twice that amount. Linda Jones received one  
12 point one million in 1984, how much would that be  
13 worth in 2002, dollars.

14 Apology, if was awarded a million  
15 dollars I would consider that the states way of  
16 saying, "We screwed up, we are sorry". Mr. Eve, I  
17 also have not read any books on Attica. I  
18 particularly want my memories to be my memories, not  
19 that of some author who wants me to believe this is  
20 the right thing. I have my memories and that is the  
21 way it is going to stay. Now Malcom Bell has become  
22 has become a great friend of mine. A year ago July,  
23 we were out in California for that -- the Ghost of  
24 Attica, thank you. Ghosts of Attica, and we were

1 talking and I mentioned how I had not read his book,  
2 and he seemed quite surprised that I had not read his  
3 book and when I -- after I explained my reasons that  
4 I wanted to keep my thought, he understood and  
5 thanked me.

6                   And there was a earlier testimony  
7 in Rochester I believe, where the state found another  
8 way to really screw us. They paid us out there in  
9 the yard, three times for the first eight hours of  
10 every day. The next eight hours was time and a half,  
11 the next eight hours was free, that was on -- we did  
12 not get paid for that because we were supposed to be  
13 sleeping. You do not do a whole lot of sleeping out  
14 there, and we did get meal checks and we were -- we  
15 were -- Lt. Curtis was going put in -- file for  
16 lodging. Did we paid for lodging, but we talked this  
17 over, a bunch of us and decided we did not want to  
18 put in for lodging because that would mean that we  
19 were sleeping on the job in the yard. So we did not  
20 put in for the lodging part of it and we did not get  
21 paid for that. That is all I have at this time. I  
22 keep thinking of things as we go along and I wish I  
23 would write them down, but I do not.

24                   MR. AUBREY: You did -- you teased

1 us.

2 MR. SMITH: How is that.

3 MR. AUBREY: With one of your  
4 statements. It is the shoe.

5 MR. SMITH: I am sorry.

6 MR. AUBREY: -- tell us about the  
7 shoe.

8 MR. SMITH: So that is -- I skipped  
9 over that part.

10 The shoe, when I left the metal  
11 shop, going up the corridor towards Time Square, the  
12 corridor was full of glass. The inmates had busted  
13 all the glass out and by having my shoes on I was  
14 able to walk in there and not cut my feet. Now, it  
15 is also in here some place. I -- there has been  
16 testimony of hostages that came later in the forgot  
17 what was there. When I went through there, there was  
18 just the inmates in B block in Times Square. I did  
19 not see any inmates along the corridor, so I -- if  
20 they were there, they were there, but not at the time  
21 I went through. Thanks for remembering --

22 MR. AUBREY: Yeah, I read that.

23 For ten weeks you took off, and you  
24 received three hundred ninety, a portion of which was

1 Workman's Comp., you found out later?

2 MR. SMITH: Yes.

3 MR. AUBREY: When you and, so when  
4 you went back to full time employment, Workman's Comp  
5 ended, I believe?

6 MR. SMITH: Yes.

7 MR. AUBREY: Were you notified of  
8 that?

9 MR. SMITH: Probably, but I used to  
10 get this stuff from Workman's Comp and did not know  
11 what it was. Deep six it, I did not know what it  
12 was. I said, I had never signed up for Workman's  
13 Comp. I would get -- we would get things that says,  
14 should you receive an award, you will have to pay  
15 back what we have paid you. What are you talking  
16 about? You did not pay me nothing. I will throw it  
17 away. I wished I had saved all that stuff but I did  
18 not. So I --I -- we did not know that rights, I  
19 should not say we, I did not know that I was getting  
20 Workman's Comp, and did not think any of that stuff  
21 that I got from Workman's Comp meant anything.

22 MR. SMITH: In your experience as  
23 the -- in the hostage situation, it is clear to me --  
24 it is clear at least that you -- you tell the story

1 that you had inmates who looked after you?

2 MR. SMITH: Yes.

3 MR. AUBREY: Have you been able to  
4 figure that out in your own head in terms of the  
5 madness that was going on and all these things that  
6 were going on. What was it, was it just luck with  
7 more on your side or just all circumstances?

8 MR. SMITH: Probably all of that,  
9 but I also believe it was the way I treated inmates,  
10 I never tried to abuse them. If I had -- they had to  
11 do something, they some -- I believe, I told you in  
12 Rochester about Kenny Maloy, this inmate, I could not  
13 understand how he could get himself into a position  
14 to get himself killed. He had a very respectable job  
15 at the prison, and that one day when we were waiting  
16 after work in the shop, waiting to go to the yard and  
17 he come up to me, "Mr. Smith, come on, and let us go,  
18 it is time to go to the yard." And I looked at him,  
19 now, as I explained you before he was black man, and  
20 I said, Kenny, I do not think you need any more sun.  
21 And what he -- he put his arm next to mine and says  
22 it is not me I worried Mr. Smith. With that, come on  
23 let us go to the yard. We, that was pretty much the  
24 way I got along with the inmates. They joke with me

1 and I joke with them but we get what ever had to be  
2 done, done.

3 MR. EVE: Thank you very much.

4 Let me ask you this. A lot of  
5 people have made reference to the tension that was  
6 there prior to the 9th of September, I have read the  
7 paper that the inmates had put out, the manifesto or  
8 whatever, were their conditions, now that you are  
9 retired, in there that you believe might have  
10 contributed to some of the hostility and frustrations  
11 of the inmates within the institutions.

12 MR. SMITH: Sure. There was things  
13 that -- well, when they -- when they first started  
14 the list of demand, it was only like four or five and  
15 then somebody would say, well how about this, yes,  
16 that is a great idea and then it ended up with twenty  
17 eight. There was some of them that were legitimate,  
18 you know, a shower once a week, I could have not  
19 never stood that, you know, march them to the shower  
20 once a week and now they have showers in each  
21 gallery, where they are allowed, I would have -- once  
22 a week, I would have been rioting.

23 There was other things like the  
24 food. Now, I can not speak for the Muslims, you



1 know, they said there was too much pork, I never paid  
2 that much attention to it. It is what they ate, the  
3 general population, I am talking about, I do not  
4 remember some of the other things that were on  
5 that -- that list of demand. Some of them were  
6 legitimate.

7 MR. EVE: Let me ask you this, idle  
8 time a lot of people said was the major  
9 contributor --

10 MR. SMITH: It is got to be -- it  
11 is got to be a killer.

12 MR. EVE: Uh-huh.

13 MR. SMITH: It is got to be a  
14 killer, to be sitting in that cell.

15 MR. EVE: Yes, and because of  
16 Attica there was a number of program, we start a  
17 educational and otherwise and you just recently  
18 retired. Did you find those programs helpful in the  
19 prisons to keeping down tensions and giving inmates  
20 things to do, what --

21 MR. SMITH: Any particular program  
22 you are speaking of?

23 MR. EVE: There was -- there was  
24 some college programs. In fact I attended one or two

1 community college graduates -- graduations that I  
2 thought I was impressed with. And every study showed  
3 that the higher the education level the inmates were  
4 when they came out, the less likely they would have  
5 come back into our penal institutions. And I have  
6 asked the commissioner this, when he comes before us,  
7 the ways and means and he said yes. There is no  
8 question the higher the education level the inmates  
9 has, the less likely they would come back and so many  
10 of us were very pleased that the state had embarked  
11 upon that, because the rates of inmates coming back  
12 used to be real high and -- but did you find these  
13 programs help to keep the inmates busy and -- and  
14 studying and -- and other things you know, they had  
15 their normal work jobs that they had to.

16 MR. SMITH: Yes. I guess that  
17 would help. But one program that made my job a whole  
18 lot easier was the family reunion program. Now if a  
19 man knows that his wife is coming in Saturday and he  
20 is going to have Saturdays and Sunday in a trailer  
21 with her, her cooking the meals for you can get him  
22 to do anything. Are you going to -- he knows she is  
23 coming, and you do not abuse it, but all you got to  
24 do is to say, yes, I need floor swept, yes sir Mr.

1 Smith. They will be sweeping and mopping.

2 MR. EVE: Let me ask you this, the  
3 worker's comp, you said that they tell you, you would  
4 have to pay that back if you got an award?

5 MR. SMITH: Yes.

6 MR. EVE: Later on. Now, if you  
7 had gotten that full check three ninety without the  
8 worker's comp you would not have to pay it back?

9 MR. SMITH: Right.

10 MR. EVE: And so --

11 MR. SMITH: You had to pay it back  
12 to the Workman's Comp part.

13 MR. EVE: All these -- the work --  
14 but, you thought, you were getting paid your check.  
15 And they unknown to you of the state, file Workers  
16 Comp for you, without your permission.

17 MR. SMITH: Yes.

18 MR. EVE: Is that a fact?

19 MR. SMITH: Yes.

20 MR. EVE: That is what I thought  
21 you said?

22 MR. SMITH: That is what I said, I  
23 did not know that I was collecting Workmen's Comp  
24 and, like I said before I got them letters, and I did

1 not have any idea what they were, and I just throw  
2 them away.

3 MR. EVE: So, now if you were to  
4 get an award having been a hostage, then state comp  
5 can come and say, we want those -- what is ten weeks.

6 MR. SMITH: Yes.

7 MR. EVE: Portion of your check  
8 that you got through, would they be entitled to get  
9 that?

10 MR. SMITH: Probably.

11 MR. EVE: They should get it, but I  
12 am saying.

13 MR. SMITH: I do not know -- but I  
14 would say that -- I would think that still is to be  
15 in effect. No -- no.

16 MR. EVE: Okay. Okay thank you.

17 COMMISSIONER GOORD: I appreciate  
18 your sharing this with us. Thank you.

19 MR. SMITH: Thank you. I am going  
20 to go play golf.

21 (Applause)

22 COMMISSIONER GOORD: Let's take a  
23 ten minute break and then Mr. Walker.

24 (A recess was taken)

1 COMMISSIONER GOORD: And Mr. Walker  
2 is next, thank you.

3 MR. WALKER: Very good to me. This  
4 is my thirty fourth birthday I spent off the yard --  
5 at Attica as a hostage. My good friend Billy Quinn  
6 died that day. And then the twin towers last year,  
7 so my son called home. He said, dad we cannot  
8 celebrate your birthday. I said you do not worry  
9 about it, we can do that some other time. But that  
10 was just a, September that hurts me any more to get  
11 into September because of all this. But we get into  
12 this, nonsense, if I can read what I have wrote.

13 September 9th I went to work -- we  
14 had heard about, like GB said earlier, we have heard  
15 about it, we had a little trouble at the prison, that  
16 lieutenant might get -- had proposed or something.  
17 So in the morning we went through roll call. I had  
18 roll call and he told us, you know be on -- be on  
19 alert, just watch and see, and after roll call I went  
20 to my job which was at shop gate where GB and -- and  
21 those guy walk through and go to the metal shop. I  
22 had two gates one went to the commissary and the  
23 other one went to the metal shops. So that morning  
24 after they were -- they come back for breakfast and

1 stuff, A-block I guess was coming back, because I  
2 could not see, because the metal shop you walk down  
3 into B-block it is a little bit of a incline. But I  
4 heard all this noise and -- and you can hear windows  
5 being broken and being smashed, so I walk -- walked  
6 down a little bit and looked into B-block and all of  
7 a sudden the inmates just knocked the gates down and  
8 come into B-block. And, lieutenant Jennings, I  
9 remember, him there because Kenny was a -- Kenny was  
10 a big boy. But they were beating him over the head  
11 with a mop ringer, and the blood was gushing out of  
12 his head. He was one of the ones they let go early  
13 because they were afraid if something happen to him  
14 then they would be in worst trouble than they were.  
15 So he is one of the bunch that they let go.

16 So, I walked back up to my post  
17 there and few minutes Danny Almater comes through and  
18 he comes running up and he has got keys. I ask, what  
19 is the matter. He says that they just broke in down  
20 there and he said what are we going to do. I do not  
21 know well, lock the gate. We would lock the gate and  
22 go into that metal shop and we went down and went in  
23 and we see Sergeant Cunningham in there. We told  
24 him, we said there is something going on, something

1 wrong. There is a lot of screaming, howling and  
2 breaking windows and we are not sure just what it is.  
3 So, Sergeant Cunningham said to us, Danny and myself,  
4 he said, here take these keys and go, lock the back  
5 door.

6                   You know, and -- and meaning that I  
7 had had four years on the job, I said well it is, it  
8 can be that serious so we went back and locked the  
9 door and come back up -- and stood up the front.  
10 Well, that is a few minutes later they -- they busted  
11 into the block, they were into the metal shop and it  
12 is the first thing they said, get your clothes off.  
13 So, we all stripped down naked, the only thing I left  
14 on like GB was my shoes and socks. Then they ran us  
15 out of the metal shop and from the metal shop to D  
16 yards quite a distance. And, as we are going along  
17 we -- it was -- were in a gauntlet, we were kicked  
18 and punched and urinated on, and it was -- made us  
19 twice as scared as we were already the -- all you can  
20 see was inmates and the inmates were -- were -- were  
21 hitting us. So we get out in the yard like they said  
22 and we were out there bare naked, standing around I  
23 guess we were the first outside to ever go running  
24 across the field I guess bare naked. But later I

1 heard some of the inmates say that, we should give  
2 them some clothes and so they threw us out inmate  
3 clothing and we all got -- got dressed and we just  
4 stood around because we did not know what was going  
5 on. For sure it was a -- it was a tough thing to do  
6 and -- and -- and we were all -- all scared that  
7 there was no -- you know, see at by looking at each  
8 other, you know, we had -- what the hell was going on  
9 here. So, we got dressed and like GB said they tied  
10 our hands and our feet, blindfolded us and that is  
11 pretty much the way we were for that -- for the  
12 duration of the five days that we were out there.

13                   When we were standing there in  
14 the -- in the circle more or less like -- said you  
15 did know who was next to you we just talked to  
16 somebody, because you know it was one of your people.  
17 I pulled my blindfold down a little bit, I could look  
18 up over, I could see the inmates all running around  
19 and did I think it --it scared me more then but I  
20 could see out -- I could see the guys sitting around  
21 there and -- and -- and talking to him and stuff.  
22 And we will see.

23                   So, for the -- for -- for the  
24 duration of the time that we were out there and tied



1 and untied and tied, blindfolded and stuff we talked  
2 a lot but said, Joe it would be over. Sergeant  
3 Cunningham had quit smoking and I quit smoking and I  
4 did not smoke for a couple of years and so when he  
5 give us cigarette and said that, Sergeant Cunningham  
6 and he says, oh, what the hell is this. If these  
7 things do not kill us he says then nature is going to  
8 do it anyway. So we will have a cigarette. And we  
9 just laughed about it. It was -- it was -- at the  
10 time the was funny, it was something you feel better  
11 about. And I can remember one day we were sitting  
12 there -- and Harry Whalen, he died thirty days after  
13 that September 13th. They beat him so bad that they  
14 dislocated his shoulder and we had coveralls on him,  
15 and we had him sitting on the mattresses and he must  
16 have dozed off a little bit and he fell and hit  
17 ground with shoulder that was dislocated and he let  
18 out a scream. So we grabbed him and pulled him up  
19 and said, that is all right now. I think I have  
20 fixed it. You know, so we laughed again. This was  
21 just some thing that took our mind off from what  
22 these people were doing.

23 Because a lot of time -- at night  
24 time you could hear, we could not see but you can

1 hear inmates shout, lets go kill the pigs, lets go  
2 get the SOB's. You know and that is -- because that  
3 makes you feel twice as bad yet, because you do not  
4 know what is going to happen and John D'Archangelo, I  
5 met him out on the yard too and we talked and he told  
6 me -- he said, I am scared. We are not going to get  
7 out and I said John, do not worry about it. This is  
8 bunch of BS, and we would get out of here. We -- we  
9 will -- we will all be home eventually so just take  
10 it easy, but John got killed, so that I was, I guess  
11 I was just lying to him.

12 Because I did not know, but to make  
13 things short because its tough everybody talking and  
14 nobody really wants to listen but you have to -- but  
15 the -- the morning of the 13th. It was raining, it  
16 was nasty and then I heard the helicopters then I  
17 looked up, and I seen the helicopter and it looked  
18 like it come out of the A yard which was right next  
19 to D yard and come over and they dropped the gas and  
20 then shooting started. In front of me there was a  
21 bench, and it had bunch of mattresses on it, I still  
22 do not figure it out how I did this. But he dropped  
23 his gun I rolled under the bench, pulled the  
24 mattresses behind me. But there was not anything

1 behind me, it was all in front of me, the shooting  
2 and the troopers coming across and whoever is coming,  
3 then I got my hands untied and my feet untied and I  
4 am laying there and I am watching and I have seen  
5 people falling down and stop and I looked up and here  
6 comes the gas projector, flying through the air and I  
7 am looking and I am saying, all -- all this it cannot  
8 be. I am not going to get this, that might -- I  
9 covered myself up as best possible I could and it hit  
10 about three or four foot in front of me and bounced  
11 up and there is a two by four that runs underneath of  
12 the bench. It hit the two by four and bounced back.  
13 And then that went off, so I figured it had to be one  
14 of ours because most of our stuff is old, you know.  
15 Did not work anyway, so I climbed out -- I climbed  
16 out and the trooper come running across the field,  
17 and he said Gary how are you? So I knew and he said  
18 do you know where my brother is. I said, he is going  
19 to -- I am not sure. I said but we will find him  
20 which we did, he was behind me a couple -- three four  
21 feet, we untied him, and the next thing like GB said,  
22 it look at one of them shot guns in front of you and  
23 it scares the hell right out of you because I turned  
24 around and we are all in the inmate clothing and the

1 guys is standing with a shotgun to me and there is --  
2 this friend of mine standing next to me and told the  
3 trooper, he said, that is all right. He is a  
4 Correction officer, so you do not have to bother him.

5 So at this time they have been  
6 starting to take out the hostages out of the yard and  
7 myself and Elmer Huguen, were the last two to leave  
8 the yard, we went around the circle and helped to  
9 identify our people that were dead, that were shot.

10 I would like to say there is a --  
11 throat slit, I did not see any throat slit but I have  
12 seen few bullet holes in them.

13 So when I left, Elmer and I left  
14 the yard, I come down into the A block, we went up on  
15 the catwalk and then walked down in the A block, then  
16 I come into -- I come into A block and my brother was  
17 there, my father was there also. My father worked at  
18 the front gate, my brother worked all over. So I  
19 went my brother and I hugged each other, we walked  
20 out and the gas never bothered me till I got outside  
21 and then I started crying, and everything was flying,  
22 they stuck me under a water bucket and washed out my  
23 face and I would just, all of a sudden, I was getting  
24 so mad that I want -- I just wanted to scream and

1 howl and -- and we started to walk out to the main  
2 gate and I turned around and I looked up, here is a  
3 bunch of guys standing up in the windows with shirts  
4 and ties out in support for us. I gave them a "Thank  
5 you for saving us", you know I figured what are they  
6 going to do, they are going to, you know these are  
7 fireman, so then I turn around and the sergeant says,  
8 where are you going? I said I am going home. He  
9 said, well you cannot do that, everybody is going to  
10 go to the hospital. I said, sergeant, I am not going  
11 to the hospital. I am going home. I want to see my  
12 family. I do not have -- have anything to do with  
13 the hospital, I will go tomorrow and he says well I  
14 cannot let out.

15 My brother and this friend of mine  
16 that was with him, said, Sergeant why don't get out  
17 of the way so we don't just hit you. Because I  
18 wanted to hit him, I did not, you know, I walked out  
19 of the prison and my brother took me home. I only  
20 live a thousand yards away from the prison. So my  
21 brother took me home, and there was my mom and dad,  
22 my wife and two friends they were at the house. And  
23 like GB said earlier there we -- we sat down and had  
24 a -- had a drink. I think we drink -- I think I

1 drank about quart whisky before I realized that I  
2 even had a drink.

3 So were sitting there and  
4 interesting it was to me -- it was interesting that  
5 we are sitting there and talking and discussing  
6 things. There is a knock on the door. So I get up,  
7 I said I will take care of it. And there was a  
8 gentleman there and he said -- he introduced himself.  
9 He says I am from the Batavia Daily and he said, I  
10 would like to use the phone call my editor. He says,  
11 all the phones from there on up were taken by ABC,  
12 CBS and NBC, all of them. I said sure, right there  
13 it is. He says, I will reverse the charges and he  
14 called and he is talking to his editor and he says  
15 yes, he says there is one in, one officer that is not  
16 accounted for yet. He says he accounted for  
17 everybody that is going here and going there, he says  
18 they cannot seem to find Gary Walker.

19 I am Gary Walker. Oh, Okay! He  
20 says, I have got an exclusive. He says, you want to  
21 talk to my editor. I said, yes, I would talk. And  
22 the man only asked me a couple of questions. But it  
23 was -- and then -- he is the man passed later or I  
24 think three four years ago, he passed away. In

1 his -- in his obituary he had at the end, that he was  
2 a man who had interviewed Gary Walker, the hostage  
3 that was missing and then I said, Jesus, I am still  
4 making in the newspaper.

5 But I could probably go on and go  
6 on like he -- like everybody says you think of more  
7 things and you think of more things and the only  
8 thing I can think of is if you generally would --  
9 would help us, we would appreciate it. It is thirty  
10 one years and we are in no place -- no place. It  
11 is -- I do not sleep too good anymore. First couple  
12 of years I was -- I broke in hives constantly because  
13 my nerves were shot, I had --took pills -- took  
14 pills -- I did not go back to work for six months  
15 because I just I could not, and then when I got back  
16 I got scared more but I said well, it is -- I got to  
17 take care of my family, I got to take care my kids, I  
18 got to have a job, so I just put up with it later on  
19 and like GB said he got a good job later on I got a  
20 good job, I had weekends off, I used transportation,  
21 I took inmates to the hospital and then places like  
22 that.

23 But, I guess I would say, I could  
24 go on but I would not, and I want to thank you very

1 much for listening to us.

2 MR. AUBREY: You are -- just a  
3 question or two. For the six months you received  
4 three ninety I presume it was --

5 MR. WALKER: Whatever it was.

6 MR. AUBREY: The three ninety  
7 whatever that was. You also never signed up for  
8 workers comp?

9 MR. WALKER: No.

10 MR. AUBREY: The results of that  
11 meeting I guess with the Commissioner Thursday  
12 night -- did you go to that?

13 MR. WALKER: Yes.

14 MR. AUBREY: So from that point we  
15 are going to take care of you, take six months off  
16 and from then on you received revenue.

17 MR. WALKER: I say it was the same  
18 check that they got before the riot started --

19 MR. AUBREY: You know it was a  
20 state check?

21 MR. WALKER: It was a state check.  
22 It had ever thing but no nothing about compensation  
23 or things.

24 MR. AUBREY: Nothing on there



1 about.

2 What portions or anything?

3 MR. WALKER: We never knew for a  
4 long time and then they said you took the state check  
5 what do you mean we took it, it's the same check that  
6 I got before but x number of dollars of it was  
7 compensation.

8 COMMISSIONER GOORD: You are a  
9 gentleman.

10 MR. WALKER: Thank you.

11 (Applause)

12 COMMISSIONER GOORD: Mr Don Werner?

13 MR. WERNER: Good morning.

14 COMMISSIONER GOORD: I am Glenn  
15 Goord, Commissioner of New York State Department of  
16 Corrections. Joining me today on the Attica Task  
17 Force from my left is Assemblyman Jeffrion Aubrey,  
18 Senator Dale Volker, and Assembly -- Assemblyman and.

19 Whatever that was. All right and  
20 you also never signed up for Workers' Comp or  
21 anything like that. This was the result of that  
22 meeting I guess with the Commissioner, did you go to  
23 that?

24 MR. WALKER: Yes.

1 COMMISSIONER GOORD: And so from  
2 that point, they said we are going to take care of  
3 you, take six months off and then from then on you  
4 receive those.

5 MR. WALKER: We have got a -- well,  
6 as I say, it was the same check that we had gotten  
7 before the riot had started, you know it is --

8 COMMISSIONER GOORD: That was a  
9 state check?

10 MR. WALKER: It was the state check  
11 and everything but they did not know nothing about  
12 compensation or anything.

13 Yes, it was nothing. We -- we  
14 never knew for a long time and then they said well  
15 have took. What do you mean I took it. All that  
16 is -- it was a state check. It is the same check  
17 that I got before for x number of dollars, I thought  
18 it was compensation.

19 COMMISSIONER GOORD: Thank you.

20 (Applause)

21 COMMISSIONER GOORD: Mr. Don  
22 Werner.

23 MR. WERNER: Good afternoon.

24 MR. WERNER: Good afternoon

1 gentlemen. Sandra and I want to do this together, we  
2 are cousins. Her dad was killed and my brother was  
3 killed in the riot.

4 My name is Don Werner, D-O-N  
5 W-E-R-N-E-R. My wife Norma and I live in Caledonia  
6 prior to the time. When the riot went off, we lived  
7 in Medina, New York where I was a plant operator for  
8 the Barrett Dewit. I had the radio on, while I had  
9 been talking to Ronny. He was over the week before  
10 and we were talking. He says keep your radio on. He  
11 says there is problems at the prison, he says we do  
12 not know what is going to happen or when. But he  
13 says something is going to happen. So I had the  
14 radio on and heard it. Well, about -- after the riot  
15 we spent pretty near the whole weekend with, up with  
16 my mother and Ronny's wife and waiting for any kind  
17 of word on either Ronny or uncle Elan, what the  
18 situation was. And when the riot was over, we got a  
19 phone call. Ronny was out and on his way to Warsaw.  
20 Well everybody was ready to go, I started out the  
21 door and we got the second phone call that he had  
22 been killed.

23 The toughest thing I ever did was to  
24 turn around tell Ronny's wife and kids that he was

1 killed. Mother was there, my two sisters and dad was  
2 shocked. We had a phone call that uncle Elan had  
3 also been killed. Our two families were like dead.

4 It sounded almost impossible to  
5 believe, something like that they could take two out  
6 of one family. Well, for the next week or so we  
7 spent, mother and aunt Ruth and Ronny's wife and we  
8 have never seen anything from anybody or heard  
9 anything from any of the state officials. That was,  
10 I just could not understand it. I have been around a  
11 long time, seen a lot of automobile accidents. Most  
12 always, if somebody is killed in an automobile  
13 accident, they either send the Sheriff's deputy or  
14 State trooper to the door to tell you, but we never  
15 see anything from anybody. I do not know, I thought  
16 may be we had vanished or did not exist, tough to  
17 understand it.

18 When we were allowed in the funeral  
19 home, I asked Dick Marley who was a family friend for  
20 years, that if Ronny's throat and uncle Elan throat  
21 had been cut. He looked right at me, he says "Don I  
22 am not permitted to answer that". He did not say I  
23 do not know or I cannot, he just says I am not  
24 permitted. Well, I could understand now why that

1 was, they could have pulled his funeral home license  
2 off under him quicker than I do not know what. The  
3 next few days were just a total blur, like Mark  
4 Cunningham, said they took our people up to the  
5 funeral, or up to the cemetery. When the procession  
6 was over they were put back in the hearse, I got the  
7 same feeling Mark got, are they in the right grave,  
8 are they buried. This has bothered me for a long  
9 time. I have never have found out really what  
10 happened to my brother. I have heard different  
11 reports, that they hit him with a two by four, broke  
12 his cheek, his jaw and his nose, but I do not know --  
13 I never found out how he was killed or he was given  
14 buck shot or a two seventy, I had been around guns a  
15 long time, I know what a twelve gauge shotgun with  
16 buck shot does. It makes a big hole and they are  
17 deadly. A two seventy is very deadly. I know 09/11  
18 was a real tragedy but in my opinion 09/13 to us was  
19 just as big a tragedy. It might not have been quite  
20 the scope, but to us it was just as -- just as bad,  
21 it caused just as much heartache, as that twin towers  
22 did.

23 Ronny's wife, she packed up and  
24 went to Texas, she could not stand all the talk,

1 because all the talk was constantly about Attica,  
2 took her three little girls, and went back to Texas,  
3 from where they lived, and I do not blame her. They  
4 could look right down the -- every time she went on  
5 her backyard, she could see the prison. I do not  
6 know, Mr. Eve says that Bobby Seal and William  
7 Kunstler were a help but everybody has got their own  
8 opinion, I say those two were the biggest mistake the  
9 State made when they -- the way went into the prison.  
10 Those troopers went in there with no -- no training  
11 whatsoever, they were lied to us same as the convicts  
12 were lied to.

13 Oswald went in there and told the  
14 convicts one thing, come back out and told the  
15 troopers something else. The animosity of those  
16 troopers had to have when they went in there, had to  
17 be something else. I can understand that -- the  
18 animosity, because they were lied to -- they were  
19 lied to the same as the convict. And we have been  
20 lied to, right -- you know it would thirty years, and  
21 I am hoping you gentleman can get this straightened  
22 out, help us out on this.

23 The hostages as far as I am  
24 concerned, everyone one of them should get the same

1 amount of money that big black got. The widows,  
2 should get the same thing Lynda Jones got. I cannot  
3 see anything -- anything other than fair about that.

4 That Workmen's compensation deal  
5 that -- I do not know how they got into it. I am  
6 starting to feel that I really do not know. I do not  
7 think they should have -- anything to do with it. Of  
8 course the State does some funny things. I got a  
9 little argument -- article here gentlemen from my  
10 American Legion magazine, I would like to read, just  
11 a short article, titled "Misplaced Priorities".  
12 Every misplaced of our priorities conserve the  
13 following. On September 11 -- on September 11, about  
14 three thousand people went to work in the vicinity of  
15 World Trade -- Trade Center, and the Pentagon. Their  
16 jobs ranged from janitorial to professionals. They  
17 were killed by terrorists. Their deaths were the  
18 result of being at the wrong place at the wrong time.  
19 Minus any life insurance or pensions, the families of  
20 each of these people, US citizens, resident aliens,  
21 illegal aliens, will receive an average of one  
22 million eight hundred fifty thousand dollars from the  
23 US Government. On March 2nd, 2000, eight US  
24 servicemen went to work in the vicinity of East

1 Afghanistan. Their -- their job was to defend  
2 freedom. They were killed by terrorists. Their  
3 deaths were a result of protecting America. Minus  
4 any life insurance and pensions, the families of each  
5 of these servicemen will receive an average of six  
6 thousand dollars. Where are our priorities? Thank  
7 you gentlemen. I hope you can help us a little bit  
8 out, on these. Thank you.

9 COMMISSIONER GOORD: Thank you very  
10 much Mr. Werner.

11 MR. WERNER: Thank you.

12 MR. EVE: I would like to  
13 apologize. The only reason why I left, I have been  
14 trying to reach one of our prominent Bishops. He has  
15 been out of town, he is in town. I told my staff,  
16 that is the only call I would take. As you know we  
17 are having a major problem in the city of Buffalo,  
18 around our Common Council. It is pulverizing that  
19 city like nothing I have ever seen and I was able to  
20 speak to the Bishop. I tried to reach Bishop Matsell  
21 as well, because there is a meeting of religious  
22 leaders in Buffalo tomorrow at three o'clock. And  
23 they had one meeting with two hundred -- with a one  
24 hundred clergy representative and they are having



1 another meeting tomorrow.

2 God is the only hope for resolving  
3 the problem in Buffalo right now. And the leadership  
4 must come from the religious leaders. I feel that  
5 very, very strong and that is the only thing that  
6 could have kept -- thing that could have got -- got  
7 me to go out of here was the problem in the city of  
8 Buffalo, around our Common Council. Forgive me for  
9 missing the testimonies, those portions.

10 COMMISSIONER GOORD: Does anyone  
11 know how much time? I do not want to rush through.

12 MS. BALZHISER: I would say ten to  
13 fifteen minutes max.

14 COMMISSIONER GOORD: Sure.

15 MS. BALZHISER: Reflections on the  
16 Attica prison riot. My name is Sandra Werner  
17 Balzhiser. W-E-R-N-E-R, Balzhiser is B as in boy, A  
18 L Z as in zebra, H-I-S-E-R.

19 I am the daughter of the Elon F.  
20 Werner who was a civilian, an account clerk at the  
21 Attica prison on September 9th, 1971. He worked the  
22 seven o'clock to three thirty shift and he worked in  
23 the administration building. I was thirty at the  
24 time and living in Binghamton, New York, with my

1 husband William and three children, Michael was five,  
2 Susan was two and a half and Eric was thirteen --  
3 eighteen months. My brother and his family were  
4 living in Texas. As Donny said I am also -- also the  
5 cousin of Ronald Werner, a guard who was employed at  
6 the Attica state prison. And also as Donny mentioned  
7 we are a very close family because my mother and his  
8 mother were sisters, my father and his father were  
9 brothers. So basically it makes us double cousins.

10 Dad had worked at the prison for  
11 about fourteen years. And my mother at the time he  
12 was employed was elated because prior to that he had  
13 been an insurance agent. And he -- Attica as you  
14 know is a rural area and Dad was an insurance agent  
15 and he dealt with many farmers. Well, you know,  
16 farmers have a tough life and they often do not have  
17 cash. So often times, the farmers gave him a bushel  
18 of apples, a side of beef, a side of pork, which was  
19 wonderful for our family. However, metropolitan life  
20 wanted cash, you know. So it was a very tenuous and  
21 as any of you know, who are in sales, some of these  
22 are very good, and some of these are very poor and  
23 when Dad went to the prison as an account clerk, it  
24 stabilized our family income -- or their family

1 income and she was very relieved not knowing what  
2 would happen fourteen years later.

3 On September 9th 1971, as I said I  
4 was in Binghamton, very busy with those three young  
5 children. I did not have the news on or the TV on or  
6 anything else, but when my husband came home from  
7 work around five p.m. or five thirty he said have you  
8 heard anything from your mother. And I said, no.  
9 And I said why and he said well, there is --  
10 something going on in Attica and there is some  
11 hostages taken. So I immediately called Mom and said  
12 where is Dad and she said well he has not returned  
13 home from work yet. Now this was about five thirty  
14 and he usually got home around four. She said I do  
15 not know where he is. Some of the hostages names  
16 have been released, but Dad's name was not among  
17 them. I immediately again said we will be up,  
18 because I needed to be there.

19 So we made arrangements with my  
20 in-laws who also lived in Attica to meet at the  
21 Weedsport because I had three young children and they  
22 needed to be cared for so they did not meet us  
23 halfway, myself and our three children went to Attica  
24 and my husband had to return to work for that Friday,

1 but we got him on, police said Thursday evening she  
2 still had not had any word of whether he was on the  
3 hostage list or not, but the town was alive with  
4 sirens, helicopters, additional police, and of course  
5 rumors were flying immediately. We understand now  
6 that some of those inmates tried to help my dad get  
7 out. He was as many of the other guards and people  
8 said, they treated the inmates and my dad as well --  
9 treated them as human beings, they called him Mr  
10 Werner. He was responsible for some of the  
11 accounting for each of the inmates, you know meager  
12 income that they earned and he always called them  
13 Mister, whatever and that he respected them and they  
14 respected him. So some of them did try to get him  
15 out and that is why he was not found until Friday  
16 afternoon because he was hidden. So we were unaware  
17 of his whereabouts from Thursday until Friday  
18 afternoon. But it is our understanding that somehow,  
19 some of the inmates realized he was missing and  
20 wondered where he was and then in defense the other  
21 inmates gave him up, I guess basically.

22 But during those four days of the  
23 uprising, I was on an emotional yo-yo. One was --  
24 and one news cast and as Donny said we shared and got

1 together and tried to support each other. I did get  
2 a glimpse of my father as they panned the inmates.  
3 He was blind folded, he wore glasses he immediately  
4 lost his glasses as we understand which was probably  
5 a blessing because he could not see with out his  
6 glasses. And he was dressed in sort of that under  
7 shirt and prison garb. The little we saw of him, he  
8 looked very tired and very stressed and that was the  
9 last time I saw my father alive, not a pleasant  
10 memory.

11 We never did see Ronny in that  
12 group. But now we understand that some of the  
13 injured as well as Donny said Ronny was injured, they  
14 did not want to show the injured hostages. I do not  
15 know how old you gentlemen are, but if you can  
16 imagine yourself -- now my father was sixty three, he  
17 would have been sixty four on September 16th. If you  
18 could imagine, when you reach the age of sixty three  
19 being blindfolded, feet tied, arms tied out in a yard  
20 for four days with limited food and water, fear as  
21 well as not knowing what was going to happen, rainy  
22 and cold, I cannot imagine what horror that must have  
23 been, not only for my dad who one of the older  
24 hostages but for the young men as well. And of

1 course, they all believed that they were going to be  
2 rescued by their employer and my dad's worth ethic as  
3 that got sixty three was very firm. I mean he was  
4 grateful for the State and thought that his employer  
5 was looking out on his behalf. Well, did that  
6 happen, I do not know.

7 On Monday, September 13th I was  
8 about to go to the laundromat because we needed to do  
9 that and then it came over the radio that they were  
10 going to take the prison back. Well, obviously I did  
11 not go to the -- go to the laundromat, but glued to  
12 the radio. And Mom was right on main in Attica so it  
13 was a direct shot at the corner of Maine exchange, I  
14 mean the sirens, the ambulances, the helicopters, I  
15 cannot describe the fear that we felt as the tear gas  
16 drifted over the town. We finally heard that many of  
17 the hostages had gotten out, they were on their way  
18 to the hospitals and more so the Batavia ambulances  
19 raised again the sirens and news flashes giving  
20 conflicting reports about the dead and wounded.

21 We never heard Dads name mentioned.  
22 Finally, around later in the morning we got the same  
23 call as Donny's family, and I do not who it was and I  
24 am sure they did not intend any malice, but they said

1 your father is out, he is injured, but he is on the  
2 way to the hospital. So were elated, until fifteen  
3 minutes later we got the second call from the Warden,  
4 who said your father is killed. Do you have somebody  
5 with you. Well, my husband was with me, my mother  
6 was with me. And like Donny we had to tell my  
7 mother, Dad did not make it out. I can remember my  
8 mother wailing, "why why why". What words could we  
9 offer and I can not express the emotions that we --  
10 we experienced that day. I was thankful that my  
11 three children were able to stay with their other set  
12 of grandparents, because the horror and the emotion  
13 was unreal in the -- in the household. They were  
14 charged from a very highly emotional situation that  
15 could have very well frightened them. As it was, my  
16 youngest Eric, who was eighteen months, did not  
17 understand why mummy and daddy, were not with him. I  
18 mean we see him, but then they went back to his  
19 grandparents and you know why -- why were we not with  
20 him and it took him quite a while before he was  
21 willing to be left alone because he wanted to be with  
22 us, but he did not understand and we could not  
23 explain. The press was relentless, as many was  
24 identified, with calls and interviews, taking

1 pictures. And my brother living in Texas arrived on  
2 the 14th of September with his wife and he was very  
3 helpful. My Dad was a highly respected member of the  
4 community, active in his church, he was a Justice of  
5 the Peace and a good friend to all who knew him. My  
6 parents would have celebrated forty years of  
7 marriage, in December of '71.

8 And my father as Nancy Quinn said,  
9 they sort of sensed something would happen and my  
10 father had already contacted the local jeweller and  
11 had a pendent made for their anniversary which I am  
12 wearing today. And on that pendent he had engraved  
13 "I love you more today than I did yesterday, but not  
14 as much as tomorrow". The jeweller called us and  
15 said we have this for your mother but we do not know  
16 what to do with it. I mean how -- but how much hurt  
17 can you stand, you can only hurt so much. My brother  
18 and I made a decision to give that to her, because it  
19 was very helpful. Of course, that tomorrow never  
20 came.

21 As a parent, he sacrificed his  
22 needs for our family. And he was a great support to  
23 Donny's family as well as to his sisters and other  
24 members of the family. Dad was always there, he was



1 a silent leader and a role model for my brother and  
2 myself, and for the community at large.

3 On the 14th of September -- of  
4 September, my husband and I returned to Binghamton to  
5 get -- for the clothes and left our two youngest  
6 children with friends. They were very helpful. My  
7 son Michael stayed in Attica with us, because he five  
8 and could understand some of the activities. The  
9 days before the funeral were terrible. We hear  
10 conflicting rumors about the events of the 13th, we  
11 were personal friends as Donny said with the funeral  
12 director, and we ask the same question. It must --  
13 we must have gotten to him before the other people  
14 did because -- yes, because what the director and/or  
15 his wife said, "your dad was shot". And we learned  
16 later it was probably with a two seventy. I can  
17 still remember seeing the body-bags at the -- at the  
18 funeral home. I mean they were coming in, they were  
19 leaving, they were coming back and forth. Before we  
20 could really plan our funeral arrangements to bring  
21 some kind of closure to my father's death.

22 And my parents had also replaced --  
23 had placed a down payment on a home in Attica for the  
24 retirement because dad was going to retire.

1 Fortunately, she was able to get out of that contract  
2 which would have been a financial burden to her. To  
3 my knowledge, no prison officials ever came to see my  
4 mother or our family during those days, or even  
5 afterwards. Of course I was back in Binghamton. So  
6 I was not there daily, but mom never said that  
7 anybody came to offer condolences or see her. She  
8 did tell me that some lawsuits were pending, but that  
9 she would be eligible for compensation. And I  
10 believe she did receive that about somewhere around  
11 the one hundred and twelve, I was not privy to her  
12 completely financial situation, but about the same as  
13 the other -- the other individuals have. And there  
14 was no mention by accepting that compensation, she  
15 would be excluded from any other settlement, should  
16 one be given. Only that if a settlement was given,  
17 she would have to pay back, that compensation. My  
18 mother was sixty two at the time, the age I am now.  
19 And I can not imagine being left in those situations.  
20 The only benefit our family received as besides the  
21 Workers compensation was the part of the educational  
22 benefits.

23 And I was the only one eligible,  
24 my -- my brother was in Texas and he already had his

1 PhD. But it took me seven years to realize that I  
2 was the surviving child because I was thirty one.  
3 And I did not think of myself like -- like Wanita's  
4 young children, three and five. I was a surviving  
5 child. So I called the State and I said I have an  
6 associate degree, I already have my two year degree.  
7 But we were eligible for the eight semesters they  
8 give in a bachelors degree. And they said, yes, you  
9 would be, while having had that prior educational  
10 experience, I only needed five semesters to finish my  
11 bachelors degree, which I did, and then I wanted to  
12 go on to for my masters. So I called the State again  
13 and I said "look, I only used five semesters, I was  
14 eligible for eight at the undergraduate, I understand  
15 that a discrepancy in cost between graduate work and  
16 undergraduate work, but I would be happy to make up  
17 that difference, would you compensate me for the  
18 other three semester that I never used". The answer  
19 was, no.

20 I did go on to get my masters  
21 funded from my own personal expenses. And I know my  
22 dad would be very pleased to hear that because  
23 like -- like several others, he felt education was  
24 very important. He was the ahead of times for the

1 women to have educations, with his thoughts because  
2 he said you will have a profession.

3 A long term impact on our family  
4 and our friends. My mother lived seventeen years  
5 after the -- dad's death. She fully never recovered  
6 from the loss and the unfairness of his death. She  
7 worked at the Ford garage in Attica, as a part-time  
8 receptionist and dealt with the prison riot everyday.  
9 Even if she was not thinking about it, people would  
10 come in and remind her because as people said what  
11 with Werner, her husband Elon and nephew were killed.  
12 I do not believe she ever re -- recovered from that  
13 illness and bitterness and anger to the State for not  
14 offering consolation and some monetary reward as  
15 recognitions for the loss. It could not have  
16 replaced my father but could have been accepted as a  
17 gesture of faith and appreciation for the four days  
18 of horror and the ultimate death that the hostages  
19 experienced. She always had a sad and broken heart  
20 look, but nobody was observing. She was strong and  
21 displayed a mask of acceptance but I know that she  
22 was lonely and never remarried. No one could replace  
23 my Dad in her life.

24 From my perspective, I cannot tell

1 you the sense of loss I experienced loosing my dad at  
2 thirty one and in the midst of raising own my young  
3 family. Dad loved children and would have been a  
4 wonderful grandfather. Mike, our five-year old,  
5 remembers him more than the other two and Susan and  
6 Eric were that much younger, but the only thing they  
7 have are the stories. Fortunately, for our family we  
8 correct -- we were able to tell the story unlike the  
9 Quinn children who were denied that information. But  
10 they still asked questions and they want to know  
11 about Grandpa Werner. I still feel the loss after  
12 these years, sometimes of him reminds me and I  
13 unexpectedly loose it. We miss him at family  
14 gatherings, I want to share my accomplishments and my --  
15 my children accomplishments, it never goes away. My  
16 cousins, still laugh at some of the uncle Elon  
17 stories and we strive to keep his memory alive.

18 Whenever I still hear helicopters  
19 over above, there is an almost an instant flashback,  
20 because the helicopters going over Attica were non  
21 stop, seem non stop during those four days. Even the  
22 09/11 tragedy when you view that ground zero,  
23 reminded me of the inside of the hostage circle in  
24 that D block because it was horrendous. I had a very

1 special relationship with my dad, and I found his  
2 prayer among his things, I do not know when it was  
3 written or what the occasion. It was his  
4 handwriting, it goes like this.

5 Dear God, help me to live up to the  
6 faith I see in my child's eyes. I am so very human,  
7 so very frail, yet to her I am a tower of strength.  
8 I can smooth her small hurts, I can give her love, I  
9 can protect her and cherish her yet I can never be  
10 one half of all I must be without you to guide me.  
11 Help me watch over her. Teach her the things that  
12 are beyond my power, so that one day she will be a  
13 better person than I and in turn a better parent. I  
14 have no idea of when he wrote that.

15 There is still the stigma of  
16 Attica. When I mentioned where I grew up, the people  
17 made jokes, like they say, "oh! they let you out",  
18 you know, and my children had to suffer that as well,  
19 even living in Binghamton, New York.

20 My friends in the general public  
21 are appalled when I tell them that we have never  
22 received any compensation except that small Workers  
23 Comp as well as the -- short educational benefit that  
24 I received. They are outraged and hopefully that

1 issue will be resolved by you, the Task Force.

2                   On February 17th, 2001 I wrote  
3 personnel letter to ten of my regional legislatures  
4 and sent them a copy of the surveys that the  
5 Forgotten victims of Attica had sent out to, I think  
6 all the legislatures. But to those who, in my region  
7 had not responded, I sent an -- an additional  
8 personal letter to them requesting some response to  
9 the survey as well as some kind of indication. I  
10 only received four -- four replies, Senator Volker  
11 you did reply and I appreciate that, but I only  
12 received four replies from those personal letters.  
13 Did I feel neglected by the State legislatures, yes,  
14 absolutely. Dads sudden death, as many of the other  
15 people had indicated, they went to work September  
16 9th, thinking they were going to return home. None  
17 of -- many of them did not. And I still remember to  
18 this day, life is very fragile and uncertain. Thank  
19 goodness my mother kissed my father good-bye that  
20 morning as they always did and the last I had seen  
21 him was at labor day because she never got a second  
22 chance. I try to leave home and what a lesson I  
23 learned, never angry, always kissing my husband and  
24 my children good-bye when I could and telling how

1 much you love them because you never know some day is  
2 a myth.

3 I did -- my two children did write  
4 a letter. This is from my son, Michael who was five  
5 at that time, he said Elon F. Werner was my  
6 grandfather, he was a civilian working in the prison  
7 as an accountant, the results of the riot only  
8 allowed me limited memories -- memories of him. I  
9 remember sitting on his lap at Christmas, opening  
10 gifts. I remember being taught a lesson and my  
11 grandfather -- in my parents garage about why it was  
12 important not to take apples away from my younger  
13 sister or brothers. It is truly a shame that I did  
14 not have the opportunity to get to know and learn  
15 more from him. He was a man of true integrity, a  
16 pillar of society. My grandmother, Ruth. B. Werner,  
17 Elon's wife was devastated and never got over the  
18 loss of her husband.

19 The memory that stands out most in  
20 my mind was the day of his funeral. I remember my  
21 parents tears and grandparents tears. I will never  
22 forget climbing up into the casket on to his cold  
23 lifeless body and wondering when he would come home  
24 and why was he so cold. I hope that discussions on



1 this matter continue until all parties involved, that  
2 see final reconciliation and closure. The prisoners  
3 were in prison because they had been -- were being  
4 accountable for their action. All members of society  
5 are held accountable for whatever mistakes they make.  
6 I do not see why they should be any different from  
7 the State, any employer or elected official of the  
8 State. An important step to aid the healing process  
9 of the forgotten victims of the Attica prison riot ,  
10 would be an apology from the State on behalf of those  
11 people that acted in good faith to quell the riot and  
12 ensuing so inadvertently caused the death of my  
13 grandfather, my uncle and many others. The prisoners  
14 have received final reconciliation and closure. The  
15 innocent forgotten victims have not. It is a cause  
16 for concern to realize that thirty years the State in  
17 which we live and work and pay taxes, can in good  
18 conscience not be held accountable for the events of  
19 September 13th, Michael William Balzhiser.

20 My other son, who was eighteen  
21 months at the time.

22 Well I would like to take this  
23 opportunity to express how the Attica prison riot and  
24 the resulting death of my grandfather Elon Werner

1 impacted with me. The pictures of him holding me in  
2 one hand when I was too young to remember anything.  
3 The memories, my brother, who was four and -- and has  
4 told me about our grandfather tried to instill in him  
5 values and respect even at that early age. They are  
6 only a hand full of the stories and memories that  
7 attest to the kind of person that my grandfather was.  
8 The grandfather that I never knew personally knew but  
9 as I have known my entire life. We cannot talk to  
10 him at Christmas and Thanksgiving, birthday parties,  
11 anniversaries and births of his great grandchildren  
12 had he not gone to work that day, Eric Balzhiser.

13 My husband and my father had a very  
14 special relationship. They both loved hunting and  
15 fishing and outdoors and fixing things. We took many  
16 trips with my mom, Bill sort of took over, for my  
17 father as far as helping her in the house.

18 Our other family and friends were  
19 impacted because they felt the loss of a good friend  
20 and that the one employee who was a former guard was  
21 sort of responsible for Dad getting that position, he  
22 encouraged him to take the civil service exam.  
23 Darson Baker dwelt with that guilt for years because  
24 he felt, had I not encouraged Elan to go work at the

1 prison, may be he would have been alive. I said you  
2 cannot live with that. Another guard, who was a good  
3 family friend suffered the loss.

4 As far the five requests of the  
5 forgotten victims of Attica are asking for, my  
6 reflection would be a public apology and the  
7 acknowledgment for the death and injuries, for mental  
8 and physical sustained by the prison guards and  
9 civilian employees would be very appropriate. Of  
10 course the Governor in the office at that the time,  
11 Rockefeller is dead, but an apology coming from  
12 Governor Pataki who represents the highest office in  
13 New York State would be very appropriate and  
14 acceptable to me.

15 Governor Pataki could be recognized  
16 and remembered and you in the Task Force can be  
17 remembered by the public and your political  
18 colleagues as the Governor and Task Force who put the  
19 Attica prison to rest. I would consider that very  
20 seriously, gentlemen.

21 Opening the state records would be  
22 very helpful to me because I felt we had been denied  
23 a choice. Choice is a wonderful thing. And we have  
24 been denied that choice of reading those reports. As

1 I stated, I received information my father had been  
2 shot but I would like to read that documentation and  
3 also understand whether he had sustained any other  
4 injuries during that time. Malcom Bell did not  
5 mention my dad as a hostage particularly because he  
6 could not find a whole lot of information where dad  
7 was at the time and what -- nothing critical had  
8 happened.

9 I would also like to be aware and  
10 have the choice of reading those reports as well as  
11 the other people. If we choose not to do that that  
12 is fine. But give us the choice to make ourselves.  
13 It is not fair for the state to decide what is best  
14 for the family, only the individual can decide what  
15 is best for ourselves. As far as the counseling is  
16 concerned at is time, I probably would not take  
17 advantage of the counseling because shortly after the  
18 riot, I sought out counseling myself, which was very  
19 helpful. I would have appreciated financial support  
20 for that counseling. But even though that was not  
21 forthcoming, I received the counseling. But for  
22 those individuals who did not do that, I think the  
23 counseling could be very helpful.

24 The memorial service, I have

1 participated in memorial service at the prison  
2 grounds on September 13, it has been very meaningful  
3 to get together, with other families and friends, .  
4 hear the stories, grieve, weep, cry, laugh with each  
5 other. There is comfort in sharing those memories,  
6 who lost their lives and continuation of this  
7 memorial service could be very helpful in the healing  
8 process.

9                   The reparations, I know money  
10 cannot bring back the dead or heal the emotional  
11 injuries of the surviving hostages and families left  
12 behind. Moneys awarded at this time could remove the  
13 feelings of injustice that have prevailed, especially  
14 after the inward -- inmate award, of over twelve  
15 million.

16                   Money awarded today could assist  
17 grandchildren with educational benefits, purchases of  
18 a homes, family vacations, all in the memory of their  
19 dead or injured party. The State has with held that  
20 money for thirty one years. Had that been invested  
21 wisely, it could have, of course given the stock  
22 market, we do not know but, had it been invested  
23 wisely, it certainly could have helped those families  
24 raise a standard of living, that could have been very

1 very valuable.

2                   This poem I would like to -- to  
3 share with you, has been an inspiration for me for  
4 thirty one years. Miss me, but let me go. When my  
5 body comes to the end of this road, and the sun has  
6 set for me, I want no rites in a gloom filled room.  
7 Why cry for a soul set free, miss me a little, but  
8 not too long and not with your head bowed low, and  
9 tears in your eyes. I want no sorrow or pain to fill  
10 your heart. Remember the love we have shared. Miss  
11 me, but let me go in peace. For this journey that we  
12 must all take, and each must go alone. I want you to  
13 know that I choose this path, I am closer to you now  
14 then I ever was before. Miss me, but let me go to  
15 share my love. If you are lonely and feel sadness in  
16 the -- your heart, go to the world that we know, and  
17 bear your -- your sorrows by sharing your love with  
18 those that need it most.

19                   Forgotten victims of Attica need  
20 your love and your compassion. Miss me, let me go,  
21 and I will be with you for ever. My father was a  
22 very peaceful man. He died a violent death, at the  
23 hands of an employer and the intentions of the New  
24 York State officers and employees. But his love and

1 gentleness will live for ever. Thank you for your  
2 attention. Please consider your charge and do the  
3 right thing for the forgotten victims of Attica.  
4 Thank you.

5 COMMISSIONER GOORD: Thank you very  
6 much.

7 MR. AUBREY: Thank you.

8 COMMISSIONER GOORD: Do you want go  
9 on or do you want a break.

10 MR. EVE: I guess we are going to  
11 continue unless you folks need a break.

12

13 MARY ANN VALONE: My name is Mary  
14 Ann Valone.

15 MS VALONE: I speak loud anyway.  
16 And as everyone here know this, my friends or -- or  
17 people that do not care for me too much which I can  
18 not control, really, but I hope you all like me.  
19 I -- I know that -- I am glad that we are not going  
20 to lunch and that we can get this over with because I  
21 have been waiting thirty one years and so has my  
22 father, for this moment. And I have to thank  
23 Governor Pataki, which I never thought I will be  
24 doing. I can not believe that I am here and I am

1 alive to be able to do this. The Governor is a  
2 wonderful man to have given me this opportunity to  
3 possibly get some closure on this and I am going to  
4 tell you, I really feel like I am. I am able to be  
5 here today and not be crying, I -- I pray to God to  
6 give me the strength to be able to communicate with  
7 you all without cracking up and going into my over  
8 emotional dramatic type things, although dramatic  
9 things -- this -- I am a product of the Attica  
10 tragedy. And I am going to tell you straight up, I  
11 do not want to insult anybody here. I do not want to  
12 hurt anybody's feelings. I have had to change my  
13 opinion so many times. As Arthur Eve had said, "I  
14 have had to eat crow so many times because I found  
15 out I was wrong about this, that and the other thing  
16 I was denied information. I made -- I did the best I  
17 could and I was wrong about lot of things and I am  
18 really glad that I lived to get to this point and in  
19 my life to where I can forget. And where I can --  
20 re -- just realizing the things that I have had to  
21 realize. Now I am going to get real familiar with  
22 you all because this is the only way I can do this  
23 and I hope you can laugh with me and kind of feel bad  
24 with me but I do not want anybody to be crying. But



1 I am going to -- I am going to start.

2 I am here because of Carl Valone,  
3 my father. He was a wonderful man. Thank you. And  
4 I am going to start. And like I say I want us all to  
5 be able to leave, go get lunch and get out of town.  
6 So I am going to try, at points this is going to get  
7 a little bit disjointed and bear with me. I am  
8 intelligent, I am not drunk but I am going to --  
9 after a while I am just going to start hitting the  
10 points, because I want to make sure I get to all the  
11 points. And it might not be in a chronological order  
12 or whatever. I just want to get it over with.

13 This is a picture of my  
14 grandparents. This is my grandmother. God rest her  
15 soul. Her heart was so broken when my father died  
16 because he had ran my grandparents' business up until  
17 ten years before he was killed. He used to be a  
18 businessman and have a -- a restaurant bar and grill.  
19 And I am used to my dad -- I mostly remember him  
20 wearing nice crisp white shirts and black pants and  
21 being very professional and understanding,  
22 intelligent. He was involved in local politics,  
23 trying to serve the community, not to get, you know,  
24 his name in lights or a big name or get any kind of

1 pay for it. Just our local Batavia political scene,  
2 making things better for the people in our community  
3 in Batavia. And I remember being a really little kid  
4 and tagging along with him when he when and got  
5 petitions signed. And -- and he was grooming me and  
6 my brothers and my sister for really wonderful life.  
7 And my grandmother was never able to replace him  
8 because he was the only one -- and who could fill  
9 that spot for her. And to not go into more detail  
10 about my family, he was the only one and with him  
11 gone, her life was over. She never recovered.

12 This here, is a picture of my  
13 father and mother when they got married. Does not  
14 look like my mother, does it? Been a lot of years.  
15 The hair is white now, but the misery and this -- the  
16 pain that my mother went through because of not just  
17 Attica but me and my brother Karl and my sister Kathy  
18 would put you guys, I -- I am telling you -- you  
19 would not even -- we in-- the kids in my family got  
20 so messed up and so bitter and so hostile and so  
21 angry, so miserable. And we took it out on my mom,  
22 every single day of the rest of her life.

23 Thank God. Thank God. I am  
24 telling you we -- we could not cope with it. We --

1 we could not cope with what happened. We could not  
2 cope with not just the loss of my father but with the  
3 fact that everything that my father stood for which  
4 was righteousness and justice and he wanted to be a  
5 cop, he was a military police when this business  
6 thing, his business, you know, did not work out and  
7 he cashed everything in to give my grandmother money,  
8 so that she could have a big enough stake to live off  
9 and -- and he started to take care of my brother that  
10 can not work and his adopted son, to say that I will  
11 start from scratch. I am going to get a job for New  
12 York state and get some good benefits to take of my  
13 family which was something that was too costly with  
14 the small business. He was taking care of his  
15 mother, his father, his brother, his brother's son  
16 who was adopted and his own family. It left no  
17 money, just a little detail, it left no money for our  
18 family. We all lived off mom's salary, which was  
19 better than dad's although he had this business. So  
20 that is how my father ended up becoming a Corrections  
21 Officer, to be, you know, to -- to actually state  
22 that.

23 Well, my father was still on the  
24 pedestal with me when he died because I was fifteen.

1 And I will tell you, I am never going to get over  
2 this. If I was three or four like my sister it might  
3 not hurt so bad, I say, because I did not know the  
4 guy, I did not know what I lost. Then again what do  
5 I know. Maybe that the losses is great -- that is  
6 something we can never determine, what the loss is to  
7 other people. But I can tell you what it is to me.  
8 I was so proud of my father. He was just so cool and  
9 I did not think any questions I had, he would have  
10 the answer or he brought me the world book,  
11 encyclopedia and everything and what was it so we  
12 could look at them. The bottom line is when he --  
13 when he left, me and my family, we were not only in  
14 such a state of shock because my father was there no  
15 more. He told us as we were growing up, if the  
16 bullets ever start -- start flying, you hit the dirt,  
17 you get under something and do it real quick. I  
18 never thought my father would die. I never thought  
19 they shoot at Attica. But if they did, I thought my  
20 father would survive because he had that kind of  
21 attitude. He had -- on top of attitude he had  
22 charisma, he was kind of Kennedyish. And I am not  
23 dreaming, it is not just because he was my father.  
24 Anybody in the city of Batavia almost could tell you,

1 I do not think there was anybody that did not like  
2 this man, I mean he just had a way with people, he  
3 was diplomatic, he had a lot of charisma. He had --  
4 he had a good heart and -- and I love -- I feel so  
5 bad because the world was denied my father, not only  
6 me, but the world, because you all would have  
7 respected him. And I am telling you I do not think  
8 that some of you respect much, you know -- I mean  
9 that is a personal thing, you know I just really feel  
10 that you guys really deep down are not really on our  
11 side, I cannot help that feeling, I walk out in the  
12 hallway and I will hear a partial interview and here  
13 you get the vibes, I pick up on these things, and I  
14 do not -- I do not really mean you Mr. Eve, but I  
15 am -- I am -- I am not here to shred this Task Force,  
16 I want you guys on my side, and I feel that some of  
17 you are not, but I feel that other members have some  
18 kind of hostility, anger and a personal agenda, and I  
19 do understand that, I mean maybe this might make a  
20 precedent, I hope not for other situations that may  
21 have been in the past or in the future, concerning  
22 the DOC. I do not know. I -- I hope that would not  
23 affect this situation, because this is my life, this  
24 is Attica, I feel like I can almost say I am Attica,

1 and I surely do not want to be.

2                                       This is my Dad when he was in the  
3 Army, it is a very small picture, but he was such an  
4 handsome young guy, I am going to pass around some  
5 small pictures, you guys can look at them, just make  
6 sure I get them back later, because I want you to get  
7 to know -- I am going to tell you such personal stuff  
8 that I want to feel like you all kind of know him. I  
9 am going to start here, and this is a really small  
10 picture, but this is all I have left, excuse me this  
11 is it. I am here exactly one year old, standing on  
12 my fathers hand. Now when you see this picture, you  
13 will understand how the thing I had with my father,  
14 how many babies do you think at one year old can  
15 stand up on their fathers hand like that and trust  
16 the father that much? Well, that trust and that  
17 relationship carried on to the day he died. If my  
18 father said jump out of the plane with no parachute,  
19 I know somebody was going to catch me, probably him  
20 at the bottom, I would not have thought about it  
21 twice. That was just the way it was. Now I come up  
22 to a lot of you people as prude, rude, aggressive and  
23 all those kinds of things, prude, lewd, rude  
24 whatever, I do not want to, I do not mean to.

1                   This is what happened to me,  
2     without having a father, I kind of -- and no insult  
3     to my mom. I was the oldest, my mom got so depressed  
4     and even as a nurse did not realize it. Sometimes  
5     the doctor cannot heal themselves as they say, and we  
6     kind of raised ourselves and boy did we get into a  
7     lot of trouble and I ended up leaving New York state  
8     as a young girl because I thought the new York Sate  
9     troopers were going to kill me and throw the gun next  
10    to my body because I just wanted to explode with  
11    radical feelings that became obsessive. And nobody  
12    was saying it, and I am like hey, this was a racial  
13    thing. These cops went in there and they were like,  
14    you know -- in my opinion I want -- please bear with  
15    me and I do not want to insult anyone.

16                   They wanted to kill as many black  
17    people as they could and they used that foul word,  
18    and they did and I heard them, and I know it and this  
19    book says it and all kinds of books say it, and I  
20    could not read the books, and I still have not read  
21    most of them. And the books that I have read, I have  
22    blanked it out of my mind, because I could not live  
23    with it and still I was bitter and angry and  
24    frustrated and hostile and could not get on with my

1 life. I took a turn or all at once hated everybody,  
2 I hated the hostages that lived, I hated the civil  
3 rights movement, I hated blacks, I hated God, I hated  
4 Corrections Officers, I hated my mother, I hated my  
5 father because he went to work. That day I begged  
6 him not to go to work because I overheard a phone  
7 conversation, where people -- some guy called up and  
8 said man, that place is going to blow, did you hear  
9 what happened da, da da, da and I begged not again  
10 today, please dad do not go to work. It is just a  
11 job. We are your family what are we going to do if  
12 something happens to you. "Aw, New York state will  
13 take care of you, you laugh". He said I got to go to  
14 work, what if everybody called in? I could not live  
15 with myself if I did not go to work, I could not face  
16 the community if I did not go to work. And in his  
17 way you actually smile and was like telling me to  
18 chill. Well, I have not chilled since, because that  
19 was the last time I saw him. And I will tell you,  
20 you want to talk some messed up stuff in my head,  
21 because I had to get with the program. For years it  
22 started when my dad died, my aunt gave me about four  
23 Valium's. I was in bed from the -- the -- two hours  
24 after I heard my dad died, until the morning of his



1 funeral.

2 I thought it was okay, because I  
3 did not want to see him dead, laying in his coffin  
4 and had that be my last memory. Well, the day of the  
5 funeral I got up and I was still like stoned, first  
6 time I was stoned, cannot say it would be the last.  
7 Anyway, my dad was in the coffin and I saw it and it  
8 did not affect me that way, and I did not want to  
9 leave. And I remember all these people being at this  
10 funeral home and all these Corrections Officers and  
11 all these people were wearing uniforms and I thought  
12 to myself, it is before I really knew, but even then,  
13 I am like who are these people. Because my mom came  
14 up to me and she said Mary Ann move -- you go on  
15 honey, these other people want to pay their respects  
16 to your dad. And it is like, for the first time in  
17 my life, I looked at my mother and I just said some  
18 foul thing and I -- I said "huh who gives a bleep or  
19 something", first time I bleeped and not the last  
20 time I bleeped and I sure hope I do not bleep here,  
21 because that anger makes me bleep. And I am trying  
22 to get over it, I really am because I cannot live  
23 like this anymore. I cannot, and I look at you guys  
24 and sometimes I get really, really mad. As hard as I

1 want to get over it, because like I -- I -- the  
2 things I said and I do not like, everybody has their  
3 own memories and some of our memories are skewed and  
4 we cannot exactly remember anything, we think we are  
5 right but the person that felt it, the person was  
6 there, that is their perception. Some of mine maybe  
7 a little bit off, but they are mine, and they are a  
8 result of Attica.

9 This magazine has the only picture  
10 that I have ever seen of my father as a hostage. Let  
11 me -- let me know I want to see the films, I want to  
12 see the pictures, I want to have a choice. I do not  
13 know who published this and I still have not read --  
14 probably read parts of it but I cannot -- to this day  
15 I cannot deal with it. Malcolm books -- Malcolm  
16 Bell's book came out I could not read it. I read  
17 parts of it, and -- by then I was getting I was  
18 getting high on pretty regular basis because I could  
19 not cope with it all for years and the book just  
20 seemed really boring and it vindicated me what I  
21 read, because all those years and right after the  
22 riot I had said, the cops killed my dad, the  
23 government killed my father and you dumb women, you  
24 kept your mouth shut, what is wrong with you, why did

1 you not do anything and how did this happen and why  
2 do I have holes in my shoes, and why did you have to  
3 go back to work, if they killed dad the least they  
4 could have done was making it so that mom did not  
5 have to go back to work and we had to raise ourselves  
6 for crying out loud. I mean she had kids of all  
7 ages, I mean teenagers raising cane, and a little  
8 teeny one that needed all kinds of care. My mom was  
9 thirty nine years old when my dad got killed, usually  
10 I say murdered. I am trying to tone it down, and I  
11 do feel murdered. And my mother was thirty nine  
12 years old and she never re-married. My Dad, to her  
13 was irreplaceable. I think everyone here understands  
14 it and a lot of these good men that died were  
15 irreplaceable. Not just my Dad. When I listen to  
16 Sandy, I had to leave the room because I did not want  
17 to get upset. I did not want to be upset today. So,  
18 my -- you know, all these men, you know, none of  
19 them, none of them ever should have died. I am going  
20 to show you the picture from that magazine. I am  
21 going to show you what New York State and the inmates  
22 and the civil rights movement and bloody blah, blah,  
23 what -- what it turned my Dad into. And then, I am  
24 going to tell you. I had to somehow replace my Dad

1 at times. Here I am, a little girl and Mom is like  
2 "Duh! I am the oldest, I have to replace Mom and Dad  
3 sometimes, but mostly did and I had to think what  
4 would Dad say and what would Dad do. He was her  
5 partner. And they kind of worked together and now  
6 she is solo. And the stuff there look real good  
7 here, while mom resented it and resented and my  
8 brothers, there was a lot of it.

9 But this is my father and the way  
10 he he has his arms crossed today. I want you all to  
11 take a look at this picture and I want you to tell  
12 me, look in that man's face, in his eyes, with his  
13 arms crossed, and tell me, what do you think because  
14 I am not bleeping know, tell me what you think he was  
15 thinking. And what type of statement you thought he  
16 is trying to make. I can only guess. But, I feel  
17 like standing here right now today in front of you  
18 all and crossing my arms and just saying, unseal  
19 those records.

20 Give me the little bit of justice  
21 that I can have, that my father can have. Give me  
22 some peace, please.

23 Now, here is the picture and it is  
24 showing me respect and respect for my father that you

1 are listening to me and looking at these pictures and  
2 that this man is not forgotten. And, I am going to  
3 jump all over and you just bear with me. This is a  
4 picture of me before Attica. Now this is me. Every  
5 minute of every day. This is who my Dad wanted me to  
6 be, this is what I was before. I hope I can get  
7 there again. And so many of you have helped me.  
8 This is as close as I got G.B. and I hope to get  
9 there. I want to make my Dad proud of me. I do not  
10 want to embarrass him. In my house, he did not even  
11 say C-R-A-P. Okay.

12 My God, I am so angry. I am  
13 frustrated and hostile. I mean this is how it comes  
14 out. I mean, I tried to destroy myself for years  
15 because I turned all this anger inside too. I could  
16 not figure out who to blame. Who is responsible?  
17 For all this is not the inmates because I forgave  
18 them first. I forgave them a long time ago. They  
19 were victims too. Most of them did not even want to  
20 be in that yard. After I got a little bit of  
21 education, they were the first ones I forgave. Then  
22 I forgave the hostages that survived. Because, well  
23 they could not help that they did not die too for  
24 Christ's sakes. Then I forgave their kids for still

1 having their Dads. Is this not ridiculous. But I  
2 mean this is real. And it took me a long time to  
3 forgive God and I just forgave the New York State  
4 Troopers yesterday. At about seven o'clock.

5 Because if I do not forgive them, I  
6 cannot get peace. This is how I have to deal with  
7 it. If I cannot forgive, I cannot forget. And if I  
8 cannot forget, I am still going to hurt. And I am  
9 not talking about forgetting my Dad. I am talking  
10 about forgetting the pain. And the pain has been  
11 constant and steady. I swear to God everyday of my  
12 life, every holiday sucks, every birthday sucks, we  
13 are so dysfunctional by all of us, but at least in my  
14 family, my mother starts screwing up Christmas months  
15 ahead of time. You know, that is -- . I mean, she  
16 just goes into such a depression and then looks at  
17 all of us losers and then on it is just like, "Oh my  
18 God, Oh, you know, another holiday. And if only my  
19 husband was here and my kids were not all freaks.  
20 Well, anyway I mean, this is how it is you know. And  
21 I look at myself, Christmas, you know, I mean every  
22 holiday is like this except for Halloween where I  
23 used to try and contact in seances and stuff like  
24 that. Okay. And I am not trying to make you laugh,

1 but it is the damn truth. Everything I am saying and  
2 I am trying to be funny. Because I -- I have cried  
3 so long, you all cried so long, I am not going to cry  
4 today. Because then I will not be able to talk. And  
5 how can I serve my father? And how can I get  
6 justice? And how can I thank Mike Smith for keeping  
7 everything open all these years and getting there  
8 before me, when she would have come and called me,  
9 you did know me, but brought me along with you buddy.  
10 I am telling you. And I hope too see a lot of you  
11 after this is over. Although I will tell you once of  
12 these stickems it says, None of you have to see or  
13 hear me any more after today. This is what a fun guy  
14 my Dad was.

15 This is my mom and daddy when they  
16 got married, and they are dancing around, my mother  
17 has not been happy a day since my dad died. I do not  
18 think she squandered her money, but we have the same  
19 dishwasher in our house and the same carpet. The  
20 dishwasher has not worked for twenty years. The  
21 carpet is the same carpet, the one that my Dad put  
22 in, it was in about '65 or something like that, I  
23 mean, financially you cannot run a house and four  
24 kids in the chunk change money that she got and what

1 she made. I am going to tell you factually. We did  
2 not go skiing. We did not go water skiing. We did  
3 not go too many places after my dad's personal  
4 insurance policies ran out which my mom kind of did  
5 squander, but she could not stand to be home those  
6 first two holidays. And those were the only freaking  
7 two vacations I ever took -- took after my dad died  
8 with the family, and she took us somewhere nice and I  
9 got a taste of the good life. It was like "shoo, mom  
10 some people live like this all the time". But  
11 anyway, we did not know that on my dad's salary  
12 either. I think when my dad died he made around ten  
13 grand. And after the Attic riots, I know that today  
14 a lieutenant that I personally know is making sixty  
15 eight thousand dollars a year which to some of you is  
16 chunk change, but to me it sounds pretty good.  
17 And -- and -- and so my friend, Dan Bourling who, I  
18 do not know him, but I can call him my friend, he  
19 tried to do get -- do something about this situation  
20 and he was getting seventy or eighty, he was asking  
21 for seventy or eighty thousand for these widows. And  
22 even then I thought, God that is what dad would have  
23 made in a year. What are -- you know, what is he,  
24 nuts, and then I could not believe it when I heard



1 Senator Volker reduce it to fifty thousand dollars  
2 and I thought, "you have got to be kidding. What an  
3 insult". I mean for crying out loud, my dad is gone.  
4 He cannot get in this beautiful yellow Cadillac that  
5 he would have owned, and take this trip to Vegas like  
6 he would have, and then at my wedding and actually  
7 pay for my wedding, I did not have a wedding because  
8 he was not there, I could not afford one because the  
9 bride's family pays for that. I got to tell you, you  
10 know I -- I -- it just to me it was so insulting.  
11 Because this man was worth more than a million  
12 dollars. And I never thought about money. I just  
13 wanted justice. Then all these people up here told  
14 me, Mary Ann, you know, you are never going to get  
15 what you want. You are never going to get justice.  
16 Because what is justice to you? You want the people  
17 who were bad people out there to be prosecuted on  
18 both sides. You want the people that were out of  
19 control and went in there acting like a bunch of  
20 animals, wild out of control animals. And if you  
21 want to look at the pictures and read the books  
22 because I blanked the memories out. But I do  
23 remember this. Not everybody, and not every State  
24 trooper by far went in there acting like some kind of

1     freak. But I am telling you there was tons of them  
2     in there and they were the ones that were shooting  
3     the bullets and those bullets are the bullets that  
4     killed and maimed and destroyed. And they did not  
5     just destroy those people that were in that yard in  
6     that day, they destroyed me. And I want to have a  
7     little life before I die. And money is not the  
8     thing. I want those men that shot a bullet one inch  
9     over G.B.'s head, I want -- I want to know who the  
10    hell let machine guns in there. I want to know who  
11    is responsible for this violence, this negligence. I  
12    want to know -- but they are all dead. And nobody is  
13    going to jail. And I remember being a waitress at  
14    Batavia Country Club when I was a young girl, sitting  
15    there on a holiday working, making chunk change. And  
16    guys I knew who were State Troopers came in with  
17    their families. They chat some stuff. And I say to  
18    myself, wonder if that is that SOB that killed my  
19    dad. I wonder if he was one of those wild crazy  
20    bastards that went in there, just going off, trying  
21    to get this prison back. Get this prison back with  
22    bullets. And then in those days I said, yes, is he  
23    one of the glorified traffic cops, yikes, that they  
24    gave guns to, with real bullets and send in there to

1 rescue my father. Do you not think rescuing the  
2 hostages is more important than getting the prison  
3 back? I do. Because the prison was not freaking  
4 going anywhere. The prison was and the inmates were  
5 not going anywhere. And we have learnt that now  
6 today. By all the rioting we have seen and the  
7 things that have changed, in our society we see a lot  
8 of it.

9 In England they had a -- a prison  
10 riot and they just let the prisoners go. They  
11 finally crawled up on the roof, I saw films of it,  
12 hung out there, talked to people down below. Finally  
13 they got sick of it, they got tired, they got hungry  
14 and they said we are not going to do any physical  
15 reprisals on you guys. Just get the hell in here.  
16 That was the end of that. That is what should have  
17 happened at Attica.

18 But because of a political  
19 situation or two, which I am speaking of the civil  
20 rights movement, I am speaking of hatred between  
21 black people and white people, that was just  
22 unbelievable in that -- that situation. And we all  
23 know it, and even that guy on WAM Loudsberry you can  
24 try and deny it all you want. But that is what went

1 on in Attica. And when my Dad was first captured, I  
2 thought about bad men have my Dad. New York State's  
3 highest felons, murderers, rapists, homo-rapists, the  
4 weirdest of the weird and the craziest of the crazy  
5 is in there and they have my Dad. After listening to  
6 TV for a while, with that, I do not know how many  
7 hours it was, oh! my god, it is a black white thing,  
8 we are really screwed now. We are really screwed  
9 now. And my family was not prejudiced. In fact, I  
10 begged my brother and my mother's forgiveness and my  
11 sister's too, as I did with anyone in this group that  
12 let me talk. But my family was never prejudiced. My  
13 family, my mother I found out when I was forty years  
14 old, she did not tell me, forgive me mom, she did not  
15 tell me till I was forty, because I had been so  
16 prejudiced at one point in time against black people.  
17 And I hope nobody hates her here for this. I hope  
18 none of you have still are rednecks. But my mother  
19 went out with a black guy before she went out with my  
20 father, and my father still went out with her. And  
21 he married her. She only kissed him once though, she  
22 told me, this is the old days and she was a good  
23 girl. She went to a Catholic school. Anyway, the  
24 thing is, you are getting the drift, I mean, this is

1 a family that did not want to be involved in civil  
2 rights. My dad would -- did not want to abuse any  
3 prisoners. He just wanted a job with New York State  
4 benefits. Yikes, New York State benefits. Is this  
5 the benefit of working for New York State? I do not  
6 think he ever took it to her.

7 This is a picture of my family  
8 right after my Dad was murdered. We are all trying  
9 to look -- look happy here for mom. But that is  
10 before I put on the one hundred fifty pounds I put  
11 on, because I am one angry bitch. And I hope the  
12 pictures make it up to my friends before they --  
13 before we all split.

14 Arthur, this is me when I should  
15 have been meeting you. About eighteen years old.  
16 This is my brother Karl, and he is going to shoot a  
17 couple of pictures of Karl here, because Karl isn't  
18 here anymore. And I am going to take it upon myself,  
19 hopefully he will not get too mad about it.

20 I am going to testify for my  
21 brother Karl too. Because my brother Karl was a guy.  
22 A guy. I know another guy here too, a guy who was a  
23 young man like other guys here. But one person I am  
24 thinking of in particular that did not want any

1 counseling, like my mother. He did not have a  
2 problem. He was not depressed. He just started  
3 doing drugs right after my dad died, then and  
4 drinking because we had a bad cousin, this adopted  
5 cousin, and it Goon Stoltmen all of us and the guy  
6 was a dooper. So, my little brother was in pain, Joey  
7 and his friends made sure to help Karl, help him out,  
8 get him out of that pain. My brother never stopped  
9 doing drugs and drinking, although he had a business  
10 going, the one little thing there, I mean it was not  
11 a big deal but he was doing okay, he had a nice  
12 house, bought it with about a one hundred -- one  
13 hundred thousand a little baby, -- I think I passed  
14 the picture. The picture of the little kid is Karl,  
15 Valone the third. He lives in North Carolina. My  
16 brother killed himself, hung himself off the deck of  
17 his one hundred twenty five thousand dollar house  
18 when he was thirty three years old. Because he was  
19 the most miserable son-of-a-bitch I ever met. He was  
20 so much fun, and he tried to party, he tried to do  
21 good. He loved my mother. He tried as hard as he  
22 could. But we -- I feel the same way, so freaking  
23 miserable. And when this kid was young, he got  
24 this -- I want to be go with dad thing in his mind.

1 When it was good, he would tell his friends, I heard  
2 later, I want to go be with dad. I miss my dad. I  
3 want to go be with him. This place sucks anyway.  
4 When it was bad, he said the same damn thing. And he  
5 said he would never make it to live past what my Dad  
6 did because we all have survivor's guilt. I do not  
7 know -- I -- I freaked and felt -- I -- I just wanted  
8 to die, honest to God, when I reached forty four, and  
9 had that birthday. Because my Dad just turned forty  
10 four when he was murdered. And I do not deserve to  
11 live a day, an hour, longer than my father. Because  
12 I wanted to make a temple on his bleep. Okay. And I  
13 feel guilty. And I will never forget my father. And  
14 I do not want anybody to ever forget my father. The  
15 people of Batavia do not forget my father to this  
16 day, though few of them will laugh because they think  
17 my father would be about eighty years old now. forty  
18 four and thirty one, add it up. I am not good at  
19 math's. But he did be an old man. And I am telling  
20 you, I missed all those years with my father. I miss  
21 him to this day and when I grieve here today, I do  
22 not care what time it is, what the law is, when I get  
23 home I am going to go pick a rose of his rose bush  
24 that I have not killed. I killed most of them

1 accidentally. But I am going to get one of those  
2 roses, and I am going go to the cemetery and I am  
3 going to ask him for forgiveness. Because I know I  
4 turned out a 180-360 whatever different than he  
5 wanted me to turn out. But I could not help it. I  
6 raised myself. I hit the streets. I dealt with what  
7 I had to deal with. And I -- I put myself in bad  
8 positions. And I abused substances to run away. And  
9 I abused myself. I self destructed. I want to  
10 change. I want everything to be different, for me  
11 and my family. Right now mom close your ears, my  
12 mother is almost destitute. You sit here and you say  
13 Arthur, how much money did this one get and how much  
14 money did that one get? Holy shit, my mother has got  
15 so screwed up, because she was no financial whiz,  
16 whatever she got, she did not do the right thing.  
17 She should have got rid of her house and moved into a  
18 little tiny place she could afford. But she held it  
19 open for her screwed up kids. Now it is falling  
20 apart. I mean I am telling you whatever it was, it  
21 was not enough to keep anybody living anywhere near  
22 right. And -- I -- I this -- this money issue, okay,  
23 I -- I do not feel it now and I never felt that any  
24 is going to trickle down to me. Although, I will



1 tell you. Personally, if gave me a million dollars  
2 it is not enough. You cannot fetch, you cannot give  
3 me back thirty one years of a normal life, which I  
4 would have had if my Dad was around. You cannot do  
5 that and if you give my mom any money, she thinks  
6 that her kids are all such losers she would be afraid  
7 to give us any, my sister who is in a rehab right  
8 now, might run out and kill herself and -- my brother  
9 Jim is the only kind of one that is kind of normal at  
10 all. And I will -- I think she is beginning to see  
11 that I am normal too, because actually I have been  
12 trying to straighten up and get control of my life  
13 for a while. And this is helping a whole heck of a  
14 lot, it really is. And all the people here that I do  
15 have to ask forgiveness, because at a time, I  
16 unjustly hated you. I did not even know you, did  
17 even know what you looked like and I did -- hated  
18 everybody and I hoped the world forgives for all the  
19 hate and the bitterness. But I am telling you, it is  
20 a result of Attica. I would have never been like  
21 that, would have never been like this. My father  
22 loved to go to banks, he loved to gamble, he loved  
23 the horses and this is a picture of -- right before  
24 he died. Thank God, the man got to go somewhere. My

1 mom got a little bit of inheritance, because he could  
2 not afford it on his salary and she took him to  
3 Italy.

4 And this is my dad, of course  
5 again, Mr. Wannabe-a-cop here, shaking hands with the  
6 Italian cops. By the only people who you know, he --  
7 really wanted to shake because he did not know  
8 anybody so the cops are good for him. Now -- I had  
9 not gone, but my little scrip did all. I really add  
10 there is a lot of points that I wish that I made.  
11 But I think so many of you have already spoken for  
12 me. Like for example, and I am not going to put you  
13 guys through this. There is something here about  
14 Sandy, oh and when Sandy said something about, I mean  
15 it is just amazing how our stories and I never knew  
16 this because I am from Batavia, you know, and I did  
17 not ever talk to any of these people. But Sandy  
18 said -- well somebody called my house, I will give  
19 you a little bit, just a little bit and I will tell  
20 you all again are real lucky, especially you guys,  
21 because I know, they really do not want to hear any  
22 of this. I thank you, I thank you for your  
23 attachment, you know what I am saying, the Governor  
24 gave you a task and I realize you had to do it.

1 But -- and I trying to make it as -- as little  
2 pain -- as little pain-free as possible. But Sandy  
3 talked about how somebody called her house and said  
4 her dad was alive and he did the same thing to me. I  
5 will be damned. So my mother goes to the hospital  
6 and finds out my dad is dead, and I got a little  
7 party going on in the house now, because somebody  
8 called and saw dad were saying he is fine and I told  
9 that to everybody. First time that I had one of  
10 these big so called mistake-type lies whatever you  
11 know, my mother comes in, no, no, no, no. So, I went  
12 in denial at that point in time. I started to kind  
13 of resent my mother that very minute. "What do you  
14 mean, you dumb broad." Somebody just called me, they  
15 told me that my dad is alive, did you see him? She  
16 says, no. I said well, but how the heck do you  
17 really know. Then I looked at the priest, because I  
18 did see him and the nurse that grew up with him and I  
19 knew he was dead. And this where the violence  
20 started in, because I ran up the stairs and I wanted  
21 to put both of my arms through a double pane storm  
22 window -- window. It was such an urge that it was  
23 unbelievable. I did not do it, but I later went on  
24 for thirty one years to destroy myself slowly in a

1 million other ways. And those four Valium's at that  
2 time -- that time between my father's death and the  
3 funeral, were kind of the beginning of wanting to run  
4 away. I wish my aunt had never gone behind my mom's  
5 back and given them to me. Because, I just laid in  
6 the bed, like that lady that you see in --, staring  
7 at the ceiling, staring at the walls and I wanted to  
8 remain like that until this very day. And actually  
9 or have more fun and just be that messed up. Because  
10 I did not have to think about it then, or think about  
11 anything, think about what a screw-up I was and  
12 stuff. Coming here upset me so much I got to tell  
13 you. I flooded my mother's bathroom. And you guys  
14 can hear I want you to know just how much. I am not  
15 a comedian. And I am not a public speaker and I do  
16 not have any aspirations to be one. I do not want to  
17 see my fat distorted face, after I gained the one  
18 hundred fifty pounds, I no longer look like myself,  
19 on TV, on the front of the paper. I do not want to  
20 hear the story, I -- I do not want anybody to hear my  
21 business, I do not want anybody hear about the --  
22 the -- the skeletons in the closet of my family, but  
23 I have been put in a position where to this day, I  
24 have to kind of beg somebody. So listen to me so

1 that I can feel better, and I have to beg them for  
2 justice. Which as I said, I know I am not going to  
3 get. When I go back before I leave, I hope you all  
4 remind me if I forget, and I will tell you what I  
5 think justice is. Because I am definitely not going  
6 by notes at all. But I will put these notes together  
7 and I will submit this in writing so that it is  
8 entered in because I am going to miss the plus  
9 points. Just like the train of my -- my though just  
10 left as to what I was saying a minute ago. But in --  
11 in this situation, I think you can understand it, a  
12 bathroom flood. I am getting ready to come here and  
13 I am so distraught and upset. I do not even think I  
14 am going to testify that I turned on the bath tub to  
15 rinse out some things because the washing machine  
16 broke and the cloths were getting stinky. I could  
17 not leave town, took those clothes, threw them in my  
18 mother's bathtub because I am staying at my mother's  
19 house for the last six years. I cannot -- you know,  
20 I make mine dol;lars an hour when I am working. I  
21 kind of squandered my life and she is helping me out,  
22 staying there with my kids and I just -- I ruined the  
23 bathroom because it took a while for the tub to fill  
24 the cloths were really stinky. I walked away, forgot

1 all about it, next thing I knew, I ran down in the  
2 basement to make sure that everything, the lights  
3 were off and I heard Niagara falls in the basement.  
4 I said to myself, what the hell is this? Is the hose  
5 on in the basement? What is going on and then what  
6 is it? Oh my God, I never turned the bathtub off.  
7 The bathroom carpet had this much water. It is  
8 coming down through the ceiling in the basement and I  
9 just I hear too-too outside, and here is my mother,  
10 and Mr. Charming. Shit, I cannot even see this to  
11 conclusion, because they are waiting for me and I  
12 cannot let mom come in the house and see this. So, I  
13 would better hurry up, so I threw my suitcase out the  
14 front door, got in the car, let him get out of town a  
15 little bit and that is all. Oh! my God, my mother  
16 was like again, do not worry honey, it will be all  
17 right. We will be all right honey, driving her on  
18 oh! my God, you know, and what is this girl going to  
19 do in Albany, is she going to embarrass me and her  
20 father and her brother, you know, she is just -- you  
21 know, anyway, I do not want to embarrass anybody.

22 And I do not want to alienate  
23 anybody and I have a lot of people I want to thank  
24 but I am not even going to take the time to do that,

1 with the exception of a few people that is here  
2 presently and Dan Burling. I really myself, want to  
3 thank the Dan Burling. Of course, I want to thank  
4 Governor Pataki for allowing this to happen.

5 I am going to take and I am going  
6 to take a real quick moment of silence for the men  
7 that died and I would like everybody to kind of pray.  
8 You can do that in your cars on the way home. I  
9 mentioned it and we will take the time now although  
10 those men deserve, it, they had been getting some  
11 respect. And I think we can very privately do it in  
12 the car, so we can get on with what we have to get on  
13 with.

14 I want to thank Gary Horton because  
15 I have never met anybody who has worked as hard for  
16 other people as Gary. I really have -- I want to  
17 thank people like Roxy and Betty for mental help,  
18 they came here to support me because a lot of people  
19 felt I was going to have another nervous breakdown.  
20 But I did not, thanks to them. I want to thank  
21 Jonathan Veda for his support and so many people. I  
22 want to thank the forgotten victims of Attica. I  
23 really want to thank you. God bless you all and I  
24 hope that you can get peace. Peace. Peace. That is

1 the way it is there.

2 (Applause.

3 COMMISSIONER GOORD: Thank you very  
4 much.

5 MR. AUBREY: Thank you.

6 MS. VALONE: Thank you.

7 COMMISSIONER GOORD: This concludes  
8 the hearing and we look forward to seeing everyone in  
9 Rochester, the date will be -- well --.

10 (The hearing concluded at 1:43

11 p.m.)

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1 STATE OF NEW YORK

2 I, Rickey Farmer, do hereby certify that the  
3 foregoing was reported by me, in the cause, at the  
4 time and place, and in the presence of counsel, as  
5 stated in the caption hereto, at Page 1 hereof; that  
6 the foregoing typewritten transcription, consisting  
7 of pages number 1 thorough 6, inclusive, was prepared  
8 under my supervision and is a true record of all  
9 proceedings had at the session to the best of my  
10 skill and ability

11 IN WITNESS WHEREOF, I have hereunto  
12 subscribed my name, this the 31st day of  
13 August, 2002.

14   
15 \_\_\_\_\_

16 Rickey Farmer

17 State of New York

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22

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24

A		
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