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1	NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES
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3	THE FORGOTTEN SURVIVORS OF ATTICA
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5	ATTICA TASK FORCE
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8	MINUTES OF HEARING held at the Rochester Institute of
9	Technology, Auditorium, Jefferson Road, Rochester, New York on August 12, 2002, commencing at 10:02 a.m.
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11	BEFORE:
12	Glenn S. Goord, Commissioner Arthur O. Eve, Deputy Speaker, NYS Assembly
13	Dale M. Volker, NYS Senator, 59th District Jeffrion Aubry, Member of Assembly, 35th District
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Ţ	COMMISSIONER GOORD: I'm Glenn
2	Goord, Commissioner of New York State Department of
3	Correctional Services, joining me today on my left is
4	Jeffrion Audry, Assemblyman from Queens, Senator Dale
5	Volker from Depew, and Assemblyman and Deputy Speaker
6	Arthur O. Eve.
7	I welcome everybody today to
8	continue our fifth day of testimony from the Attica
9	victims. I ask the people testifying today to come
10	up and give your name, spell your name, and speak
11	clearly. And if the stenographer today has any
12	questions or needs to slow you down and so forth, he
13	told me to speak up.
14	So with that said, I'd like to
15	invite Mrs. Ardith Monteleone Bookmiller.
16	COMMISSIONER GOORD: Do we have
17	enough chairs?
18	MS. BOOKMILLER: Yes.
19	MR. EVE: Good morning.
20	MS. BOOKMILLER: Good morning.
21	My name is Ardith Bookmiller. My
22	husband was John Monteleone and my daughter, Karen,
23	will read my testimony.
24	MS. JELLISON: Reading. "Good

- 1 morning. I am Ardith Bookmiller,
- 2 B-O-O-K-M-I-L-L-E-R, widow of John Monteleone, who
- 3 was killed in the Attica Prison riot. I still live
- 4 in Attica in the home we were building. In 1971 we
- 5 had five children. Keith was twenty and on a break
- from college visiting his aunt and uncle in Idaho.
- 7 Kerry, nineteen, was attending Morrisville College.
- 8 Karen, eighteen, has graduated from Attica High and
- 9 worked at Ella Times (phonetic spelling) in
- 10 Morrisville. Karol and Kentt, fourteen and seven,
- 11 had just started the school year at Attica.
- 12 "John had been on vacation. He had
- taken Kentt and Karol to the state fair as we hadn't
- done anything during the summer. When we got home he
- got a call asking him to go into work on the 9th. He
- 16 did.
- 17 "The day of the riot everyone had
- gone off to work and school. I went outside to do
- some yard work when the prison whistles started to
- 20 blow. I stood and listened for a while, then decided
- 21 to go inside and listen to the radio to see what was
- going on. Soon the announcer said there was a riot
- 23 at the prison. John had told me something was going
- 24 to go down at the prison but I'm sure he didn't

1	expect	a	riot.

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"I stood there for a moment, then a

cool and calming feeling came over me and I said

outloud, "It's over." Why I said it or remember it,

I have no idea. All I can think, the calming feeling

was sent from above by my mother, who had passed away

in May, to help me through everything that happened.

"I called my sister who lived in

"I called my sister who lived in Warsaw. Her husband, Gene, was a C.O. and had the day off. They came right over and Gene went to the prison to help re-take it. She, my sister and I stayed at the house. When Gene came home that night he told me he had seen John. He looked okay.

"The next day my sister, Gene, and
their five kids came over. The kids stayed here with
mine while Gene went to work and my sister and I
stood vigil outside the prison. We had gotten John
his Camel cigarettes, so he would have them when he
came home.

"At home a list was kept of all the people who called, stopped by, and sent food, so John could see how many people cared. On the 10th Father Gene came outside the prison to talk to the families who were waiting. He told me John had a broken nose,

1	some bumps and bruises but otherwise he was okay.
2	"On Sunday night Gene told us that
3	if things were not settled during the night they were
4	going to re-take the prison in the morning. As soon
5	as John's family heard they were going to re-take the
6	prison, they immediately came over, mother, brother,
7	sisters, aunts and uncles, everyone waiting to greet
8	him when he came home.
9	"The next morning when we went to
10	the prison Gene told us that if we heard helicopters,
11	go to the car and stay there until we didn't hear
L2	them anymore. We did as he said. Then the waiting
13	came. Someone would come out of the front gate and
4	announce the name of a hostage and what hospital they
.5	had been taken to. We waited.
.6	"Soon we saw Gary Walker (phonetic
.7	spelling) come out of the front gate. My
.8	brother-in-law had come out and asked me to take him
.9	home. When my sister came back she knew John was
0	dead but did not tell me. We saw the parking lot
1	getting empty. The T.V. guys were packing up but
2	before they left they came over to say they hoped we
3	would have good news.

"We were standing there trying to



1	remember whose names had been called and whose names
2	hadn't. Mr. Petone (phonetic spelling) came out and
3	told me John had been killed. At the same time
4	someone called our house and told Karol that her
5	father was dead, never asking to speak to an adult.
6	"Many lives were ruined with that
7	announcement. Everyone came back to our house to let
8	the news sink in. When we got home we found a list
9	of hostages in the daily news, marked as to whether
10	they were alive or unknown. The kids had listened to
11	the radio and T.V. and marked the paper. After the
12	shock we called others who were not here to tell them
13	the sad news.
14	"Now came the time to make funeral
15	arrangements. I didn't drive, so I had one of my
16	brothers go to pick out a cemetery plot, one near a
17	tree. Lightning struck the tree and now it's gone.
18	Another brother went to the funeral home to make
19	tentative arrangements.
20	"My sister and Gene took me to see
21	if John could have a flight for his casket, as he had
22	been in National Guard for two years. He was not in
23	active duty, so we were refused.
24	"When the undertaker called to say





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1	John's body was at the funeral home, my brother went
2	to view it. He was told the state said not to touch
3	or view the body. The undertaker and my brother
4	could see no evidence of a gunshot wound to the
5	chest. There were marks from being bound and a cut
6	on the back of his neck. Another undertaker viewed
7	the body and saw no gunshot wound.

"By now I was paranoid from all these orders the State had given us. During the calling hours while my mother-in-law fixed John's hair, I was sure they were going to make her leave. I had a very uneasy feeling we were being watched. Before the funeral was held I was told John's body would be brought back from the cemetery to the funeral home for another autopsy. Why?

16 "After the ceremony at the cemetery 17 Father Gene pulled me aside and gave me John's pay, saying they thought I could use it at that time. Was 18 I the only widow to receive their husband's pay this 19 20 way? At the same time they were loading John's body back into the hearse in front of everyone who was 21 still at the cemetery. I had been told John would be 22 23 buried the next day.

24 "My brother who lived in



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Johnsonburg went to the cemetery the next afternoon and the grave was covered. There's still a lingering thought, what if.

"As time went on the kids went back to school and work. Keith stayed at home to help with things. He got a job and went to college part time. When I received John's death benefit I paid the mortgage on the house and bought a car. I felt if I had no mortgage payment and I reliable car, we could make it.

"I know John would be proud of his five children today, who are all married with children of their own, his twelve great-grand -- or his twelve grand kids, five step-grandkids, and six great-grandkids. In the thirty years since the riot we have learned to cope with our loss, for some it was easier than others.

"John is remembered on Father's
Day, his birthday, and the holidays. I miss his
companionship, sharing a Pepsi and candy bar on
Saturday nights, watching hockey, the fights and the
making up, and the sharing of the "Honey-Do list".

I'm glad for all the car trips we took with the kids,
taking turns deciding whether to turn left or right,



his help with the Boy and Girl Scouts, the home the 1 2 family was building. 3 "Five points of justice, an apology. For years I thought the letters of 4 condolence I received was enough, but now I feel my 5 6 family should have a private apology, an apology to my children for their father's death, an apology to 7 Karol who took the phone call, telling her her father 8 9 had been killed. "I would like to be told they are 10 11 sorry for the way I found out how John had died, first by rumor, then by newspaper, then by books. An 12 13 apology should be made to all families, also to all people who had been effected by this tragedy for the 14 15 past thirty years. 16 "Opening the records is to me is the most important point. I have a list of things I 17 would like to know as long as my arm. A few of them 18 are; I would like to be able to have the first and 19 second autopsy report without a court order, I would 20 like to be able to see any and all pictures of John 21 22 from the 9th to the 14th. 23 "When Gene went back to work after 24 taking time off, he told me he had heard John was



1	killed by the personal gun of a C.O. He also told me
2	the type of bullet is was. I would like to see the
3	bullet that killed him, so I can make up my own mind
4	of whether there should be a visible wound. Were
5	John's executioners killed? Was the second autopsy
6	done with respect? I would like to speak to someone
7	who attended it. I would like to be able to read
8	anything there is pertaining to John, testimony,
9	records, reports, everything.
10	"Ceremony is a monument. I believe
11	we should be able to hold our own service to honor
12	and remember the men who were slain on September
13	.13th, 1971. Counseling should be made available to
14	any hostage family member who would like to have it.
15	"Compensation, I would suggest
16	every slain hostage's family receive the same amount
17	that was awarded to the other widows. The hostages
18	and inter-guards released the first day should be
19	receive awards using the same system that Judge
20	Poleski (phonetic spelling) used when awarding the
21	inmates their settlement, plus an amount for being
22	held hostage.
23	"Considering Mr. Ouinn (phonetic

spelling) was severly beaten by the hands of inmates,



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1	I think his family should get special attention."
2	COMMISSIONER GOORD: Thank you.
3	MS. JELLISON: And I'm going talk
4	for my uncle.
5	Reading, "To the members of the
6	task force, as brother-in-law of the deceased, I,
7	David W. Pope, was asked to view the body of John
8	Monteleone at Ete's (phonetic spelling) Funeral Home
9	in Warsaw, New York. Upon viewing the body, I found
10	no apparent gun shot wounds, entry or exit. What I
11	did find were two shiv marks on the back of John's
12	neck and his finger's were broken on both hands, as
13	well as his nose. There were no other visible body
14	mutilations.
15	"I was told by the coroner that the
16	entry and exit wounds were cut through during the
17	autopsy. However, being an avid hunter, I know that
18	entry and exit wounds from a 44 Magnum were not
L9	there.
20	Respectfully, David W. Pope."
21	My name is Karen Jellison,
22	J-E-L-L-I-S-O-N. I live in Attica. My dad, John
23	Monteleone, was a civilian employee at Attica Prison
24	in 1971. He had worked there about four years. He

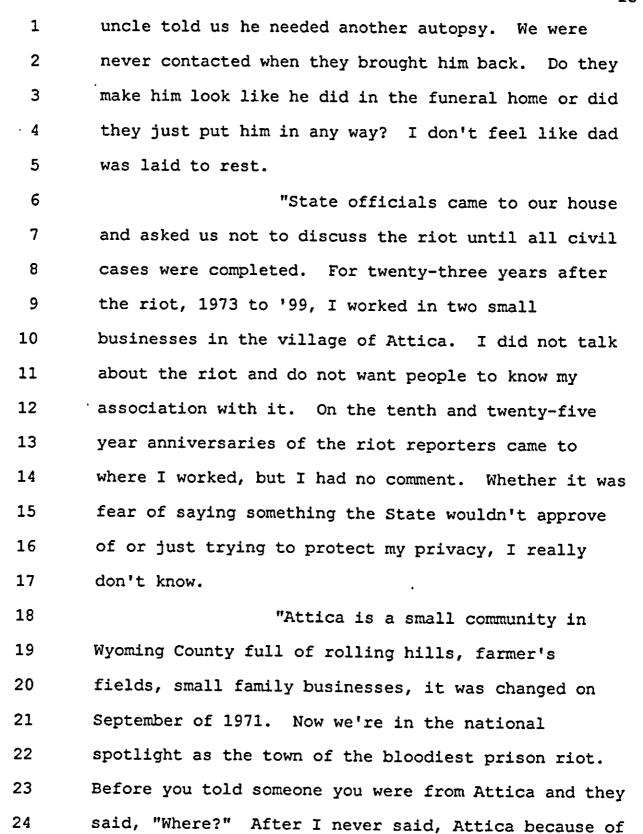


1.	worked in the metal shop. And on September 9th he
2	was taken hostage by the inmates. We saw him before
3	he went to work that day, and then on the news in the
4	hostage circle. That was the last time we saw him
5	alive. He was killed on September 13th in the
6	re-taking of the prison.
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7 "I was eighteen in 1971. I had 8 graduated in June and dad helped me find a job in 9 July. I worked in a factory in Warsaw and was there 10 on September 9th. News of the riot spread through 11 the factory and everyone from Attica left. I didn't think my dad was a hostage because the news reports 12 13 said the guards were being held. When we found out 14 he was a hostage Mom was at the prison every day 15 waiting for him to --.

"On September 13th Mom was at the
prison. My uncle was at our house with us. The
phone rang and my younger sister answered it.
Whoever called told her our father was killed. I
still don't understand why they didn't make sure they
were talking to an adult. The impact of that call on
a fourteen-year-old still lingers with her today.

23 "While we were leaving the cemetery
24 we saw men who talked of taking our dad away. Our





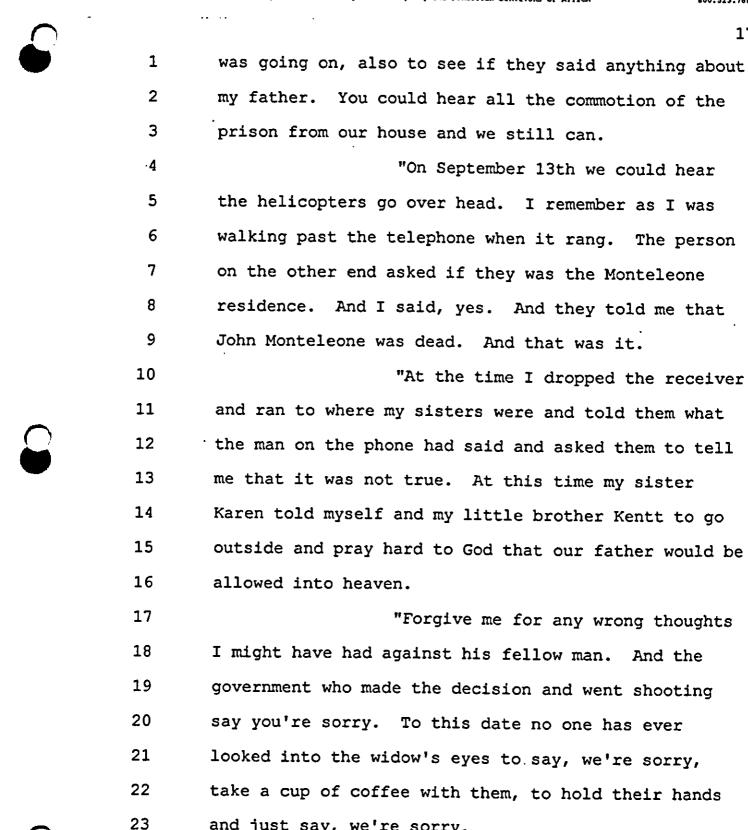
1	the comments, "Oh, they let you out for the day?"
2	Just last week I told someone I lived in Attica and
3	they said, "In the prison?" and they laughed.
4	"Television used Attica as jokes in
5	their sitcoms. I banned those stations for a long
6	time. I've gone through many emotions, shock that my
7	dad was a hostage, anger at the inmates for starting
8	the riot and putting Dad in danger, fear during the
9	riot, not knowing what was going to happen, grief at
10	my dad's death, anxiety at what would happen to us
11	without Dad; jealously when the inmates got their
12	houses rebuilt, disbelief that the State would treat
13	us the way they did, unease when we started talking
14	about the riot after so many years.
15	"An apology from the State is the
16	most important to me. I was raised to take
17	responsibility for my actions and to admit to my
18	mistakes. They never told us they were sorry Dad was
19	killed. They never said they were sorry for not
20	listening to the signs of trouble even when guards
21	told them about it. They never said they were sorry
22	that tension was high on September 13th and the
23	shooting was haphazard.

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"To be able to hold a private

1	ceremony in front of the prison is next on my list.
2	I have gone to many of the State ceremonies but was
3	not able to talk at them. I believe counseling
4	should be made available to everyone that wants it.
5	My sister went to counseling in 1977. She was told
6	they could not discuss the riot. Why?
7	"Having the records accessible to
8	us might answer some questions. I doubt they would
9	answer the biggest ones for me. Would there have
10	been a different outcome if they had gone in earlier
11	or later? Why was Dad killed, not the inmate holding
12	him?
13	"I think every slain hostage's
14	family, every surviving hostage, and every surviving
15	hostage's since deceased family should receive
16	reparations. We were all treated unfairly.
17	"I have many memories of my dad,
18	some are of playing the organ, roller-skating, taking
19	me to Girl Scout Camp, car trips, and singing in the
20	car. When he was taken away from me I was just
21	starting to know him as an adult and not a teenager
22	who didn't like his rules.
23	"Thank you."
24	COMMISSIONER GOORD: Thank you.

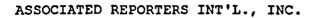
1	MS. QUARTERLY: My name is Karol
2	Monteleone, K-A-R-O-L, M-O-N-T-E-L-E-O-N-E. My last
3	name now is Quartley, Q-U-A-R-T-L-E-Y. The testimony
4	that you're going to hear is from me alone. It
5	will it will include what I do remember and what
6	my own feelings and thoughts are.
7	Reading, "My father was John
8	Monteleone and he was on vacation on September 9th.
9	He was called into work, which he went. And he was
10	taken hostage and was killed on Eight Catwalk on
11	September 13th, 1971. He worked as a metal shop
12	teacher for four years.
13	"The apology, why do I want an
14	apology because in the prison uprising my father was
15	on vacation and he was called into work, which he
16	went, though we wish he had not, because he might
17	still be alive today.
18	"I was fourteen years old at the
19	time. I was in school when all the sirens went off.
20	We were sent home but I don't ever remember an
21	explanation why we were sent home. But I knew where
22	my father was when I left for school. During the
23	four days of the riot I prayed and clinched my radio
24	to try to get any information that I could about what



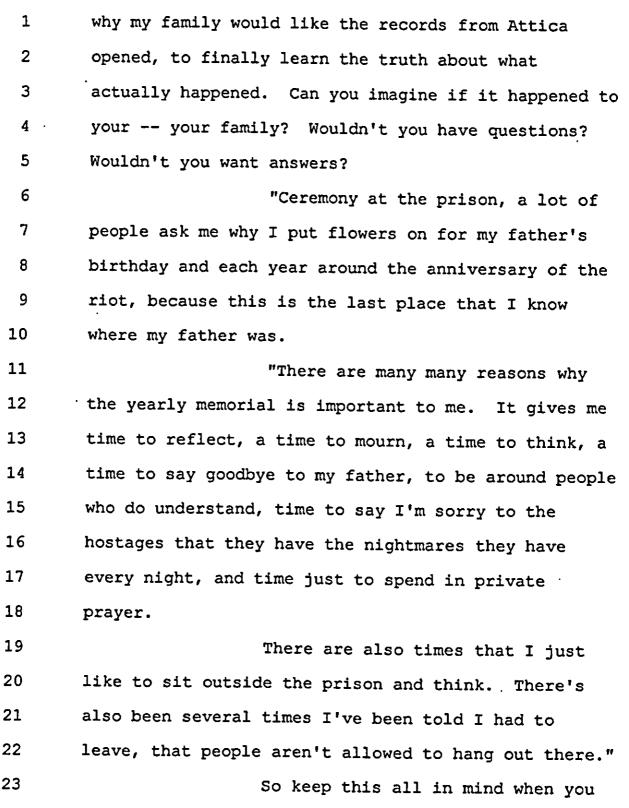
and just say, we're sorry.

"I don't want one that just says,

1	oh, we're sorry. I want one that means something. I
2	do believe in my heart that you would not expect
3	anything less if it was your family, so why should we
4	expect anything less for our family.
5	"Opening the books, do you know
6	that my mom still does not have an original autopsy
7	report after thirty years? What's so harmful about
8	that? Is there something to hide? Where are the
9	autopsy photos? My mother was never able to view the
10	body at the mortuary. Why can't she see the autopsy
11	pictures? All that my family knows is what they have
12	read in the papers and the books that are written.
13	And if you read them all and watch all the movies,
14	you don't know what's true from what is made up.
15	"I still cling to the T.V. after
16	thirty years and watch something on Attica to see if
17	I could see my father. When it came to shooting, I
18	looked to see if I could see him die on Eight
19	Catwalk. Was he the person was the person
20	standing behind him while he was sitting in the chair
21	killed also or did he survive? Was my father the one
22	that was made to shout, "I don't want to die!"? A
23	man was seen in a distance, saying that.



"These are just some of the reasons



make your decision. It would not cost the State a



1	cent to let us say our prayers outside the prison
2	walls each year. I know we have an agreement as long
3	as Glenn Goord is in office, but what happens when
4	and if he is no longer there?
5	"Councilmen, our family had four
6	days of calling hours in Warsaw, New York. I tried
7	to go up to the casket and was told by two guys in
8	uniform that no one was allowed to go by the casket.
9	When we went to the cemetery to bury my father I
10	couldn't ride in the front car. I rode with my uncle
11	with many cars behind. As you're riding into the
12	cemetery on a large I noticed a large truck
13	· pulled off to the side of the road and asked my uncle
14	who that was. He told me it was probably the guys
15	from the cemetery to finish what's left. But
16	afterwards I knew what they were for.
17	"After the small service my mom was
18	handed an envelope from Father Gene which later
19	found out was a check. It was his paycheck. As we
20	were driving away people got out, walked over to the
21	casket and proceeded to take him away. At that time
22	I was only fourteen years old, what did I know about
23	burying people, except I knew that they were supposed
24	to go into the ground and not be carried away.

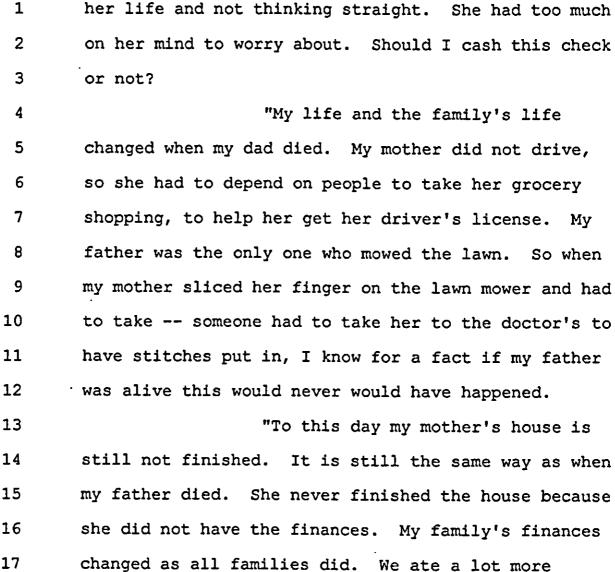


1	"None of my family was ever
2	contacted about when they buried my father or if they
3	even did or did this or did they just throw him in
4 .	a dumpster somewhere? I'd like to think that my
5	governor government did the right thing and buried
6	him, but why didn't they let some of the families
7	know so they could be there to say their last
8	prayers?
9	"I do need counseling. I tried on
10	several occasions to seek help but I neither did not
11	have health insurance or the health insurance I do
12	· have allows me to see someone four times a year.
13	What four times a year do I pick, Christmas, Easter,
14	September 13th? Some of the counselors I did talk to
15	said they can't help me or talk about what is going
16	on,
17	"About myself, how did it change
18	me? I started doing a lot of drugs and a lot of
19	alcohol. I believed that I did it if I did
20	enough drugs and alcohol, that I could kill myself,
21	at least I could be with my father once more. Even
22	though I am forty years old, there are many days I
23	get so depressed that I can't talk to him, have a
24	hug, or even ask his opinion. Death still seems like





1	the first thing to do, but I learned that this would
2	cause more pain that to seek my own satisfaction.
3	"Still to this day I have a hard
4	time staying away from drugs and alcohol. To take
5	away the pain inside my heart, for my family, for
6	myself, and for the four days my father did not know
7	whether he was going to live or die. I believe that
8	my life would have turned out much different than
9	this. I just didn't care anymore. Still to this day
10	I do not take I can not take the sounds of
11	firehouse whistles. I do not live in the city
12	because of this. I can not take the sounds of
13	helicopters over my head. To this day I still have
14	nightmares to someone coming up to me, looking me in
15	my face, shooting me in the chest and telling me,
16	this is how it feels to die. Why weren't we given
17	anyone to talk to, help us through this grieving
18	process?
19	"I always was, and I still am very
20	jealous of the Quinn family. At least they know what
21	happened to their father. And how sad.
22	"Reparations, as far as I'm
23	concerned, the County and the State took advantage of
24	my mother when she was at a very, very low point in



she did not have the finances. My family's finances

changed as all families did. We ate a lot more

soups. We did not get the fresh deers, the

squirrels, or the rabbits anymore, which I know now

as an adult did supplement our meat and family. We

no longer took Sunday afternoon rides to see the

countryside and to pick up pop cans, which helps

clean up the streets and helps supplement the income

a little bit. Our family did not take vacations

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1	after the riot	. We did	once	but tha	at was	to	get	
2	away.							
3	•	"Yes	repar	ations	would	be	a ver	·V

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4	l	nice gesture, but to what degree would our government
	5	be willing to give? How much would you personally
•	5	want? I honestly do not think that one million per
,	7	family is too much to ask. I do believe our
8	3	government owes it to the widows and the gentlemen
9)	that survived to relive the nightmares for the last
10)	thirty years.

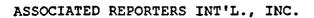
"I know that I've skipped through 11 12 many different stages at different times in my life. 13 A lot of my childhood is very deep inside my brain. 14 I do want to say, after the September 11th bombing I 15 am very envious of the people who survived. They got 16 what we've been fighting for for thirty years. They 17 got the counseling. They got to find out what 18 happened. The children are being taken care of. The 19 widows are being taken care of. They even got an 20 apology. I would like to think the Governor Pataki 21 did kind of learn from what we've been asking, but I 22 do believe it is our turn the "Forgotten Victims of 23 Attica."

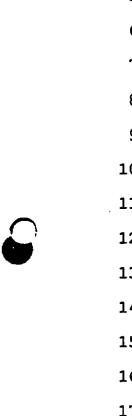
24 Thank you.

1	COMMISSIONER GOORD: Kentt.
2	MR. MONTELEONE: Good morning. My
3	name is Kentt Monteleone, K-E-N-T-T, Monteleone. My
4	father was John Monteleone, the machine shop foreman.
5	He was on vacation that week and I was only seven
6	years old at the time. I really don't remember going
7	to the state fair. I don't remember him leaving that
8	morning. (Crying) I don't remember if I had a
9	chance to say goodbye or even had the chance to give
10	him a hug or kiss goodbye. I have absolutely no
11	memories of my father at all.
12	I have I have a ton of pictures
13	of him at home and when I look at them I can't
14	remember anything about him. I don't know what he
15	was like and it's hard. I have to ask my sisters and
16	my brother what your father was like or other people
17	who knew him.
18	And to remember my mom being gone
19	all the time, my cousins being home with my sisters.
20	Then I don't remember anybody else being at the house
21	other than my cousins and everybody.
22	The thing that sticks out in my
23	head the worse is the day on the 13th. When I came
24	in the house for a drink of water I saw my sister



1	throw done the phone no, no, screaming, "Dad's
2	dead." I remember running outside, kneeling down to
3	pray in front of our well casing out front.
4	From that day on my childhood was
5	ruined. How could anybody be so insensitive to let a
6	fourteen-year-old know that her father was killed and
7	not have the decency to let their mother come home
8	and tell me.
9	My father was killed in the prime
.0	of life. He was he was only forty-one years old.
.1	He was never there to see me hit my first home run.
.2	He was never there to sit at any of my father and son
.3	banquets. I played sports all through high school.
.4	He was never there to see me at any of the award
.5	ceremonies. He was never there for me to look for
.6	the guidance to help me to keep me out of trouble.
.7	I spent more than enough time in
.8	in-school suspension for the explosive temper that I
.9	had. I wish he would have been there to keep me away
20	from the alcohol and the drugs. I wasted away so
21	many days, weeks, years in the bars. I went to
2	college on a wrestling scholarship. And I was kicked
:3	out after a year, too much drinking, too much drugs.
. A	T wish counseling would have been





1	an option back then. Maybe it could have helped me
2	deal with some of the problems that I was going
3	through and still go through today. Someone to talk
4	to, someone to help me change the way I see myself.
5	Going back to when I was younger, I
6	worked at a dairy farm just outside of Attica on
7	Sears Road. They put a hundred and twenty-foot silo
8	up. I used to climb up that every morning to open it
9	up so we could dump feed in. From there I could look
10	right inside the prison walls. It'd be about five to
11	seven miles as the crow flys. And from there I used
12	to plot things you couldn't even want to imagine.
13	All I wanted was revenge. I didn't care. For days I
14	would sit up there and just watch.
15	I even went and took a civil
16	service exam to become a guard. Passed my exam,
17	passed the physical, passed the physcological, and
18	was called in to be accepted into the academy with
19	that in mind. I only had one thing in mind, and this
20	is probably in '93, '94 I did it. And that was I
21	am still so bitter the only thing I wanted was
22	revenge. The people in there were not in there at

the time that this happened, but I didn't care.

24

The apology, yeah, it would be nice

- to have somebody come up to my mother and say that
 they were sorry and really mean it, not just the
 words that were spoken years ago, we will take care
 of you because it hasn't been done. I would like to
 have Governor Pataki look my mother in the face and
 apologize for the wrong-doings of his predecessor
 Governor Rockefeller.
- Going back to the counseling, it -
 9 it would have been nice for us to have at that time

 10 and I know I still need it now, probably worse now

 11 then back then. I've learned to somewhat control my

 12 temper now to the point of where I don't get into too

 13 much trouble.
- 14 Sixth grade I was sitting in class. Two kids were behind me talking about the Attica 15 16 riot. One kid said to the other kid, they were 17 making sounds of the noises of the guns going off. 18 And one kid says, yeah, wasn't that cool? Well, I 19 turned around and I punched him in the face and I 20 said, yeah, that was pretty cool. I got right up, 21 walked down to the principal's office where I got 22 sent down. That was probably one you didn't know 23 about, Mom; sorry.



- they never told her but I -- I don't know if maybe we received a little bit -- a little special treatment.
- 3 I wouldn't worry you anymore.
- I would like to know what the
- 5 difference is between Mrs. Linda Jones and ours was.
- I know that Mrs. Jones didn't cash the check. But
- 7 when you have five kids at home to support, what did
- 8 they expect. I think that was -- that was terrible
- 9 what they did to all the widows, out of everybody
- 10 that's involved.
- There is no amount of money that
- 12 · could take away the pain and the suffering that I
- deal with on a daily basis. But my mother needs to
- 14 be compensated for all these years.
- 15 Opening the records, this for me
- this is the one I would like to see. Not only maybe
- we could find the truth, maybe I could get a chance
- to see my father alive. Maybe I'd see -- hear his
- 19 voice. Maybe they could help get me some closure.
- 20 want to know why there was two autopsies done. What
- the hell were they trying to hide? Why weren't we
- 22 notified to let us see him be put back to the ground?
- 23 For all we know he's in a cardboard box. It's not
- fair I have to live with this for so many years.





1	A personal memorial service, I
2	thank Mr. Goord for letting us have it there every
3	year. And I hope to be able to continue that
4	forever. It's a perfect tribute to the honor for all
5	those men who died that day and also for everybody
6	who survived.
7	That's it. Thank you.
8	MR. EVE: Thank you, Kentt.
9	I have some questions I'll ask.
10	I'll ask if it would possibly be okay.
11	MR. VOLKER: Thank you.
12	COMMISSIONER GOORD: Thank you.
13	Would you accept counseling right
14	now on the two younger ones, who were?
15	MS. BOOKMILLER: Let me leave five
16	minutes from now and I will call them
17	MR. GOORD: So
18	MS. BOOKMILLER: I five minutes
19	from now I will call.
20	COMMISSIONER GOORD: So, even
21	before this was to reach a conclusion, that if we
22	convince the governor, the speaker, the majority
23	leader in the Senate that this is something that
24	needs to be replied. I know several others who have



2	Thank you very much.
3	(Clapping)
4	COMMISSIONER GOORD: Elmer Huehn.
5	Good morning.
6	MR. HUEHN: Good morning.
7	COMMISSIONER GOORD: Do you have
8	enough room there?
9	MR. HEUHN: Yeah.
10	My name is Elmer Huehn, H-U-E-H-N,
11	Elmer Huehn. I've got some notes whatever else I'll
12	start off with.
13	On the morning of September the 9th
14	at eight fifty a.m. I was in the hall cabin in A
15	block when an inmate was keep locked on five. What
16	happens is every morning, first of all, Governor
17	Rockefeller took care of everything. I had half the
18	amount of officers I need to run my companies, back
19	in those days. There's forty men on each company.

expressed that and you would accept it now.

20

21

22

23

three -- and I have forty men. I have eighty men

with an officer going over to the mess hall and back

There's three up there, three here, three there,

and all these companies, impossible to do but we had

24 to do it.





1	Well, what happened was the night
2	before this riot the inmate that had the fight on
3	Five of the companies, the officer in the tower says,
4	run the companies. Normally, you keep locked up
5	don't go to breakfast. By mistake, whether an
6	officer opened it or an inmate opened it behind the
7	officer, the gate got open by mistake. So they
8	decided to run the company. And everything was fine.
9	Got them all out, ran the companies. But normally,
10	when they come back from breakfast the side gate is
11	open to the yard and they go to work in the yard.
12	"Well, Lieutenant Curtis (phonetic
13	spelling) kept the yard locked. They put them all
14	under settlement and came back. Then the first
15	company came back with eighty men and one officer on
16	them. This is when an inmate ran over and hit
17	Lieutenant Curtis and smashed him in the face. I
18	looked and in five minutes his white shirt with more
19	blood on it, white bleeding. Terrible.
20	"I'm the only man ahead of him, so
21	I ran out into it, right into the yard. I tried to
22	help him. He was not talking. He was really
23	unconscious. Two inmates coming after me and one hit
24	me and oh, did he hit me. Stars flew and I forgot





1 what happened.

All of a sudden, I came too and my 2 shirt was just as bloody as his. Thank goodness I 3 came to and I decided, uh-oh, what do I do now? 4 There's eighty inmates -- inmates there with one 5 officer way at the back end of them, so I took 6 Curtis, we were hurt so bad, I think they were afraid 7 to hit us again and hurt us anymore. So I ran to the 8 9 block, got in through the gate, opened the gate, flagged where the inmates go to the company. We got 10 in there and I locked that up so that the inmates 11 12 · couldn't get to us. But here the inmates were all free of the prison now. Nobody there to take care of 13 14 them.

companies came. They had broke the center gate down.

Everything went crazy. I was in that inlet cell
there for -- there was three of us in there.

Lieutenant Curtis I took in with me and another
officer. I can't think of his name right now. And
we locked the door. My goodness I'll have a little
repeat on some of this but I'm just trying to get how
we got started on this thing. And I locked the door
there and the inmates couldn't get the door open, so



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I said, we got it made now. We were in there for about a half an hour.

In the meantime they got all these different locks that were smashed on the big main doors. The whole prison was all unlocked by two inmates that took right over, all the inmates, in fact. And after about a half an hour we were locked in there and I said, we're lucky they can't get us here.

A bunch of inmates came from the garage. They had a five-gallon can of gasoline. And they said, uh-oh. Come on Mr. Huehn, we're going to burn you alive if you don't come out. Well, I didn't have too much choice on that one, but I says, well, okay. Another inmate walked up and he says, Mr. Huehn, he knew me from my block, he says, I'll guarantee you if you open that gate no one will hurt you. So I gave up immediately right there.

And what do they do, they marched us -- they broke the doors all around everywhere.

And they opened the yard gate. They took me out in the yard there to -- to T Block, blind fold -- well, first of all, they blindfolded me. They walked me over there and there we went in the yard. And from





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there on in, oh, it was it was --.

I'll start again, on the morning of 2 September 9th at eight fifty a.m. I was hall captain 3 of A block when an inmate who was keep locked Five W 4 company got out by mistake and when the companies go 5 to breakfast. Lieutenant Curtis ordered the doors in 6 the yard closed and all companies return to their 7 cells. When the companies returned from breakfast, 8 they attacked Lieutenant Curtis when the gates were 9 10 opened.

I was on the A block and saw his white shirt with blood. I rushed to assist the Lieutenant when ninety inmates were returning from breakfast and they attacked me also. We both had so much blood on our shirts that the inmates quit hitting us. We both got up and hurried back to the block and hurried onto to one company and closed the gates and thought we would be safe.

19 I then -- we then locked ourselves
20 into the cell, also barricaded the doors. Thirty
21 minutes therein they found the key to the lock box to
22 open all the cells. And also unlock the cell we were
23 in. They couldn't open our cell door because we had
24 had it switched shut with a lock. Thirty minutes





1	later inmates came back to our cell with a can of
2	gasoline and said, come on out here come out or we
3	will burn you.
4	And an inmate from Eleven Company
5	who knew me said, Mr. Huehn, come out and I'll assure
_. 6	you nobody will hurt you. Besides me and Lieutenant
7	Curtis there was another officer with us, covered
8	with a blind.
9	The inmates blindfolded us and
10	walked us to B Yard Eight and put us in B Yard. We
11	all were placed in a large circle, blindfolded, hands
12	tied behind our backs, feet tied together. As all
13	the officers were caught, we were all together.
14	There were thirty of us and we were guarded by
15	inmates.
16	After two days and two nights the
17	State made sandwiches and we had nothing to eat in
18	the meantime, made sandwiches for all of us and the
19	inmates. Being blindfolded I was afraid to eat it,
20	for fear they might have poisoned it. Handcuffs were
21	removed so we could eat and then they were tied
22	tied again after we were finished. We had two meals
23	a day till the fifth day.

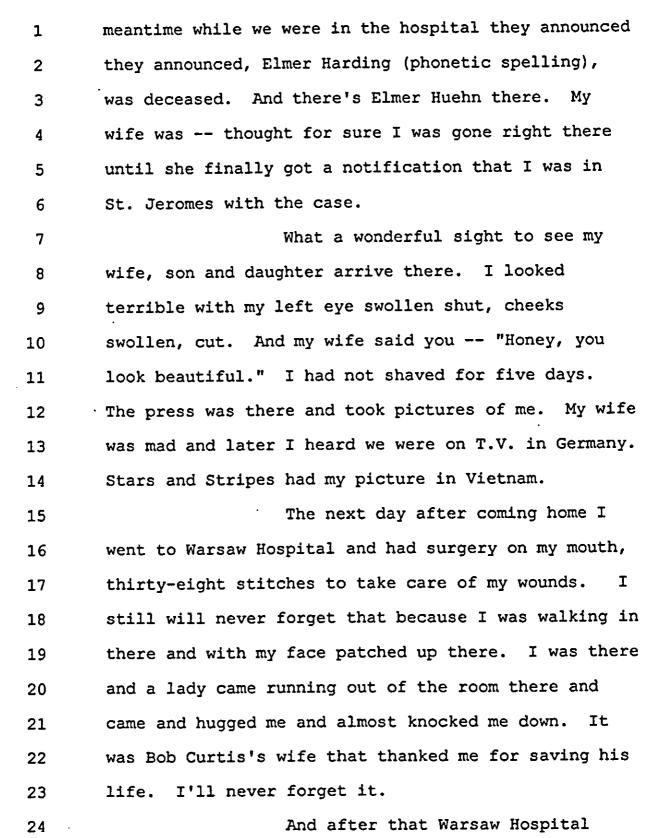
An inmate from the medical saw me

and said my mouth was bleeding too much and said I 1 needed stitches to stop it. This inmate, his name 2 was Tyo (phonetic spelling). I'll get to that later. 3 But anyway, I knew him well from the 4 prison when I took inmates over there for medication. 5 And he went to the hospital for stitches and came 6 back and stitched my -- stitched me so the bleeding 7 would stop. 8 What happened was, when the inmates 9 got me they smashed me down and ripped my mouth open. 10 And I bled, of course I was blindfolded so I couldn't 11 see what was going on. Added up -- later on get to 12 that here. 13 On the morning of September 13th 14 the helicopter -- wait a minute. I was blind folded. 15 They ripped my mouth open and I -- I had to go and 16 get -- hospital when I got out. I'll get to that 17 18 later. On the morning of September 13th a 19 helicopter with a smoke bomb came in and dropped it. 20 There was a take over of all the correction officers, 21 state police and national guard. We hostages, 22 civilians were in a large circle waiting when 23

24

gunshots were heard.

1	The officer on the on the each
2	side of me was shot and told me Oh, my heard
3	me the officer on each side of me was Puerto
4	Rican was too Puerto Rican inmate stood behind me
5	and with with a knife at my throat, told me to
6	drop to the ground, which I did.
7	As the smoke from the smoke bomb
8	started to rise, I saw three officers about fifty
9	yards from me pointing guns. I hollered, help, help,
10	I'm an officer. Of course, they couldn't recognize
11	me. I I had inmate clothes on. I looked just
12	like an inmate there with all the rest of them. Then
13	I said, help, help, I am an officer. My blindfold
14	had been pushed up when I fell. I said, I can't get
15	up because my hands and feet are tied up.
16	The officer said, wait, we will be
17	there, right there. And they cut my loose cut me
18	loose and there's an officer took me back into the
19	they took me to St. James Jerome Hospital for
20	Children. There we were treated for all our
21	injuries, just first aid and given blue guard pants.
22	My wife and family who were waiting
23	for me at Wyoming County Jail were notified that I
24	had been taken to St. James Hospital. In the



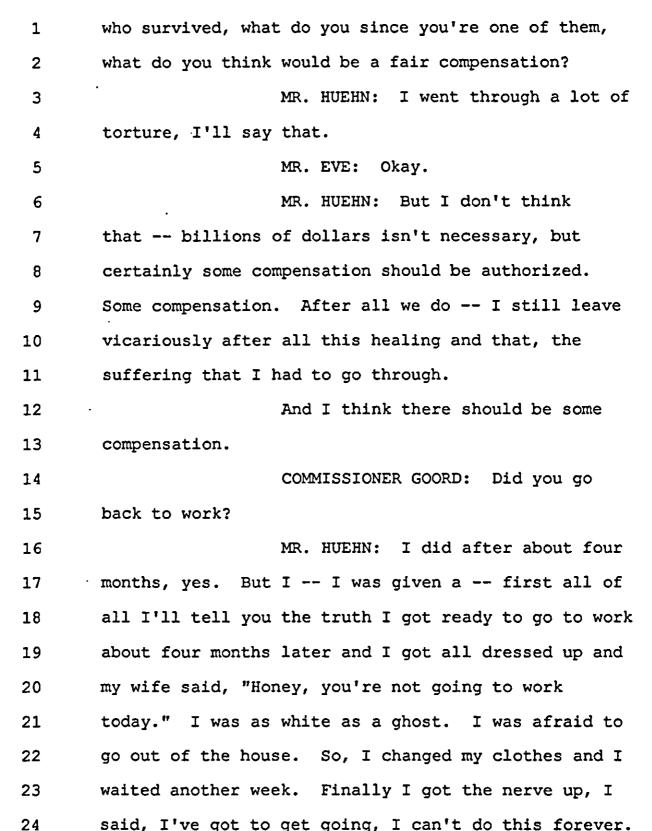
thing there, the thirty-eight stitches they did 1 2 there, I had to go every year -- every six months to Rochester Strong Memorial for three years to have 3 my -- my mouth rebuilt there. They smashed me all to 4 pieces. Every -- well, every six months I was around 5 6 a hospital. 7 During the time I was held as a 8 prisoner I was well treated and during the time my 9 blindfold was removed, I never observed any acts of 10 violence by any of the prisoners on the hostages. I 11 did not observe any of the prisoners assault on any 12 · of the hostages prior to or during the time the 13 troopers entered the prison yard, because I was 14 blindfolded. After the riot I received a letter 15 16 from Governor Rockefeller, thanks to him. 17 Rockefeller saying he was glad to hear I survived and wished me well. 18 19 For years I often came with 20 nightmares. This was a formidable experience I have to live with. 21 22 Thank you. 23 Now, in reference to these five

programs you have here, moreover I think that's a



1	wonderful thing they should always have for ones who
2	have lost their people that killed in that scene.
3	And I feel it's the proper thing to hold on that day.
4	And any counseling, I think they should get any
5	counseling they need, where ever they can get it,
6	they should have counseling. It's a necessary thing
7	and as you can hear from the people here before me.
8	And as far as record releases, they
9	could have any record they want as far as I'm
10	concerned. It's very important for them to have that
11	there. And I think the State should have an apology
12	for everything here because certainly the cause of
13	this big riot. It's people like me who survived,
14	lucky to survive.
15	Anyway, there should be some
16	compensation for it, whatever.
17	That's my story.
18	COMMISSIONER GOORD: Any questions
19	here?
20	MR. EVE: Let me just ask a usual
21	one. The we've heard recommended amounts for the
22	widows and the families of a million point one is
23	what the other lady got, and we've heard a billion
24	and a half for those who were hostages and the yard





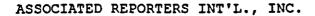
1	So, I went back and the lieutenant
2	met me at the door good to see you and he says now
3	you come in, see what you're going to do here, stay
4	with me. I'll be with you all the while, took me
5	over to where all the gunshot wounds or and there was
6	still some of us were at. And I stayed that day for
7	a half a day. And they says you can go home anytime
8	you want. I said I'm so glad to be here.
9	So, there were two days, I got used
10	to it slowly. I asked for an outside job they were
11 .	nice inmates that were just minor crimes, no
12	murderers or, you know, things like that. These are
13	guys who might have stolen a little bit here and
14	there. But anyway, they were assigned. I have
15	eight I think it was eight and I worked outside
16	the prison there and cleaned the gear and cleaning
17	here, there, what have you.
18	And after that I decided I'd like
19	to go on the night shift, A block where all the good
20	companies are, the farmers and outside gangs and all
21	our our custom inmates. And I worked out on that
22	in A block and they were night shifts where
23	everything was under control and I expect I could
24	leave early.

1 MR. AUBRY: During the -- the four 2 months that you were off you -- you received a 3 paycheck. Did you -- is that -- did you handle that 4 with Workman's Comp or --? 5 MR. HUEHN: That's what they gave 6 us, just a paycheck, yes. 7 MR. AUBRY: Just a paycheck? 8 MR. HUEHN: Just a paycheck. 9 MR. AUBRY: But you didn't know. 10 that that was Workman's Comp necessarily? Do 11 . they --? 12 MR. HUEHN: Oh, no, no, no. That 13 was just a -- just regular pay. 14 MR. AUBRY: A regular paycheck? 15 MR. HUEHN: Just a regular pay. 16 MR. AUBRY: And how many -- how 17 many years did you continue to work after Attica? 18 MR. HUEHN: Let me think. Let's 19 see, that was -- ten years. Ten years. 20 MR. AUBRY: Ten years. Did you --21 did you retain the letter from Governor Rockefeller? 22 MR. HUEHN: Yes. 23 MR. AUBRY: You still have that? 24 MR. HUEHN: Yes.

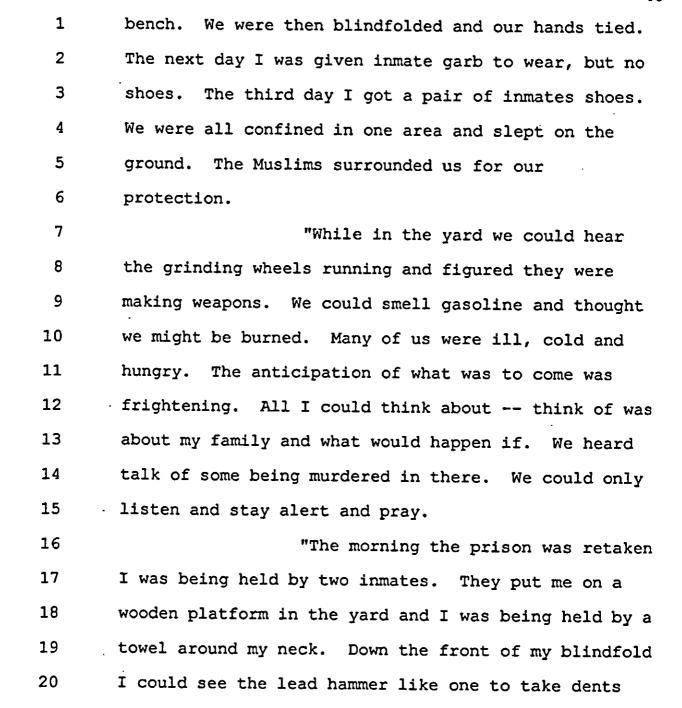
1 MR. AUBRY: And how -- how --2 how --? 3 MR. HUEHN: He felt sorry, glad to hear I was out. 5 MR. AUBRY: Again, how soon after, 6 do you remember, one to two months? 7 MR. HUEHN: Probably a couple of 8 months afterward. 9 MR. AUBRY: Okay. Thank you. 10 MR. VOLKER: Let me just say 11 something, Elmer. I -- there were a lot heros in Attica and you certainly were one of them. In fact, 12 13 because of you it took another forty-five minutes to 14 get -- it took me like forty-five minutes if I'm not 15 mistaken to get control of a good part of Lieutenant 16 Curtis. I believe Curtis one time supposedly said that if he knew you were responsible and the two of 17 18 you, you know, are real heros and fortunate. 19 MR. HUEHN: Well, we were both 20 bleeding so bad that they -- they didn't dare hit us anymore because they didn't want to kill us. 21 22 Whatever, but anyway they tried to get me out. 23 MR. EVE: Can I just ask what amazed us with the other group that I didn't and 24



1	decided not to, one of their testimonies was the
2	the C.O.'s gun killed their father. And then another
3	relative later on said he examined the body looked
4	all over or whatever and he saw no gunshot wounds.
5	How is that possible? I mean the families bought
6	that, but I guess that's why it's so important to see
7	the autopsy reports because I heard them say they
8	sort of a conflicting statement there. One, the
9	family felt from the first letter that was read by
10	the daughter for the mother and then someone else
L 1	said that her relative saw their father's body and
12	could not see any gunshot wounds. And
13	MR. HUEHN: Of course, I was
L 4	like see, I couldn't
L 5	MR. EVE: No, but but but
16	MR. HUEHN: I heard that it was
L 7	people who that were shot there. They were heavy
L8	into it, hit by bullets and so forth. That's what
L9	I personally I hollered out. I'm a hostage
20	because I didn't have any clothes on because they
21	couldn't see.
22	COMMISSIONER GOORD: We're going to
23	take a fifteen-minute break, eleven-thirty.
24	Thank you. Thank you very much.



1	(A recess was taken.)
2	COMMISSIONER GOORD: Good morning,
3	Mrs. Fargo. How are you today?
4	MRS. FARGO: I'm back again.
5	COMMISSIONER GOORD: You ready?
6	MRS. FARGO: The testimony I'm
7	going to be reading today is from Fred Miller, who
8	lives in Georgia. Some of it is from him and some is
9	from his wife, Delores.
10	(Reading) "My husband, Fred
11	Miller, has asked me to write on his behalf. He has
12	had a hard time writing and expressing himself. He
13	is he was an industrial foreman, civilian
14	employee, age forty-two, in metal shop one. He was a
15	hostage and a survivor.
16	"Fred was at work in the metal shop
17	when the riot started. Shortly thereafter the
18	inmates broke through the doors and he was taken
19	hostage. They herded herded us into the office,
20	starting started hitting us and we were told to
21	strip down to our underwear. We were told to run
22	down the halls through the broken glass and were
23	taken to D Block.
24	"We were placed on a long wooden



22 "When the helicopter came over to 23 drop the gas canisters the one inmate hit me hard on 24 the top back of my head and I went down. I was in a

out of fenders being held by an inmate.

1	subconscious state in and out, but I could hear them
2	talking. The one said to the other, should I hit him
3	again. The other one responded, no, he's dead. I
4	pretended I was. I could hear gunshots and moaning
5	all around me.
6	"After the shooting stopped I was
7	found by someone who figured out I was not an inmate.
8	Hard to tell with everyone dressed alike. I was put
9	on a stretcher and taken by ambulance to St. Jerome's
10	Hospital in Batavia."
11	And I'd like to make an editorial
12	comment here. Because it was my husband who held his
13	head all the way to the hospital, Fred he they
14	were in one of those Army or Army ambulances and he
15	held his head with a towel and he could feel that
16	there was something drastically wrong with his head.
17	(Reading) "It was determined
18	there there that I had a concussion and a compound
19	fractured skull, which would require surgery so they
20	transported me to St Strong Memorial Hospital in
21	Rochester.
22	"After being stabilized they
23	decided to wait a day or two to operate so the
24	swelling would go down some. On Thursday I went to

- surgery for repair of my head. They attempted to

 lift up the skull bone, clean out the clots and

 splinters. I was very ill after because of infection

 and was delirious for several days.
- "My eyes were black as coal and I could do nothing for myself. After a few days my temperature started to go down. My wife had the unpleasant task of answering my questions. Did Monteleone make it. No. Did Valone (phonetic spelling) make it. No. Everyday a different hostage name.
- "The neurologist who did the

 surgery said he's fine, full recovery. Fred was out

 of work for six months recovering. He returned to

 work, same job, same place. Why not? Wife, two

 teenage daughters, mortgage to pay, life must go on,

 no choice.
- "It wasn't long before he knew he
 wasn't the same. Beyond the nervous and anxious
 feelings he had a hard time remembering. He would
 come home from work completely exhausted. His pocket
 would be full of notes he had taken trying to
 remember blueprints, et cetera. We thought it was
 nerves.

1	"For eight years he tried and tried
2	and his health went down. He'd go see our family
3	doctor, get some more medication. He was taking four
4	five-hundred milligrams of Xanax a day for neck pain
5	and he'd rub and rub, take another pill, and go to
6	work. He still takes Xanax three times a day,
7	twenty-five milligrams.
8	"Finally he was at the point of
9	mental breakdown and could go no more. We contacted
10	a Comp lawyer, Senator Dale Volker, our family
11	physician, Dr. Paul Steinberg (phonetic spelling),
12	who had been overseeing his care since the riot, and
13	together they reopened the case.
14	"A CAT scan of his head showed
15	brain damage at the site of injury. Brain damage
16	caused lots of short term memory, loss of
17	comprehension in reading and loss of taste and smell.
18	X-rays showed compressed vertebrae between the fifth
19	and sixth in his neck from the hit on the head. More
20	recent x-rays done in March 2000 shows spurs and
21	arthritis. These caused his left hand to tingle
22	today.
23	"The next months were spent going from
24	doctor to doctor. The State wanted to be sure he was



1	sick. Finally in 1981 he was retired on a disability
2	retirement, Workman's Comp reduced state pension. He
3	had used up all of his sick leave during this time,
4	so he has to pay for his own health insurance."
5	And this is Dee's part of the
6	testimony.
7	(Reading) "On September 9th, 1971
8	I was working as usual in my beauty shop in our home.
9	I received a telephone call from a customer
10	guard's wife telling me about the riot and that Fred
11	was a hostage. All I could do was entrust him to God
12	who was in it was out of our hands.
13	"I was fortunate that Dr. Paul
L 4	Steinberg was our family physician and also the
15	prison doctor. He called me everyday and gave a
L 6	report on what he observed while in there. I
L 7	insisted that our daughters attend school everyday
18	and tried to keep optimistic for their sakes.
.9	"On the morning of September 13th
20	everybody I knew came to our house, including our
21	pastor of the Baptist church. We prayed and listened
2	to the final news as the national guard and the state
:3	police retook the prison. It wasn't long before the
4	telephone range and I heard that Fred had been

- 1 injured. 2 "I immediately was taken to St. Jerome's and then on to Strong Memorial Hospital. 3 I 4 spent the next two weeks at Fred's side everyday. 5 But I had two daughters too, so when I came home his uncle would go in and feed him and stay overnight 6 7 until I got there the next morning. He was very ill 8 at first. Infection in his head injury -- in head 9 injuries is not uncommon. It kept us busy keeping 10 all of the tubes in his body straight. 11 "Finally he started to improve and after a couple of weeks I brought him home. On the 12 13 way home I noticed a skunk smell, one had been hit in the road. Fred smelled nothing. We knew something 14 15 was different. 16 "Over the next months I watched as he struggled with periods of anxiety and depression, 17 but he got stronger and his friends encouraged him to 18 19 get back to hunting again. He returned after six 20 months to work. I noticed a big personality change which I didn't really understand. 21
- 22 "The doctor at Strong had said full 23 recovery, no problems. It was much later before I 24 understood what was really going on, not just nerves

- 1 as I'd thought.
- 2 "After Fred retired we decided to
- 3 leave New York State and move to Georgia to be near
- 4 our daughter and son-in-law. Our Attica home
- 5 overlooked the high gray wall and of all of our
- friends whose lives revolved around employment at the
- 7 prison were a constant reminder of the September 1971
- 8 episode.
- 9 "I thought perhaps Fred's health
- would improve some if he wasn't constantly reminded.
- It was a big decision to move, a real step of faith.
- 12 However, new state, new life, new -- no job, small
- income, bad health, it took courage.
- Our new life gave Fred new streets
- 15 to explore, new faces to meet, new things to think
- 16 about. He was able to be outside everyday even in
- 17 the winter.
- "I went to work to supplement our
- 19 disability pension. His health did improve, at least
- 20 the emotional part without the daily reminder of the
- 21 Attica Prison. He started to learn how to compensate
- for his disability, write himself notes to remember.
- 23 He learned that sugar and salt tasted different even
- 24 though chocolate and vanilla were the same. He



1	couldn't smell skunks. He could detect smoke sort
2	of.
3	"Our new chiropractor relieved, but
4	could not cure the neck problems. Our new Dr. Jones
5	was very compassionate and understanding of his
6	shortcomings from being through terrible experiences.
7	The most productive years of Fred's life were cut
8	short. At fifty he was just beginning to earn
9	through increments and change and pay-grades. He
10	retired in 1981 on Workman's Compensation at 1971
11	level of ninety-five dollars a week. Our
12	· compensation lawyer got fifteen dollars of this until
13	paid off. He's had a supplement since 1980s.
14	"His monthly pension of nine
15	hundred eighty-three dollars was reduced by Workman's
16	Compensation and health insurance. Health insurance
17	has soared in cost from nine dollars in 1981 to
18	seventy-five dollars in 1999. All state retirees

"Social security reduced greatly because he had ten zero income years. He was turned down twice for federal disability. Worst of all, state -- state pension compensation stops at his death. No benefits for his spouse, no health

received two cost of living raises in the 1990s.

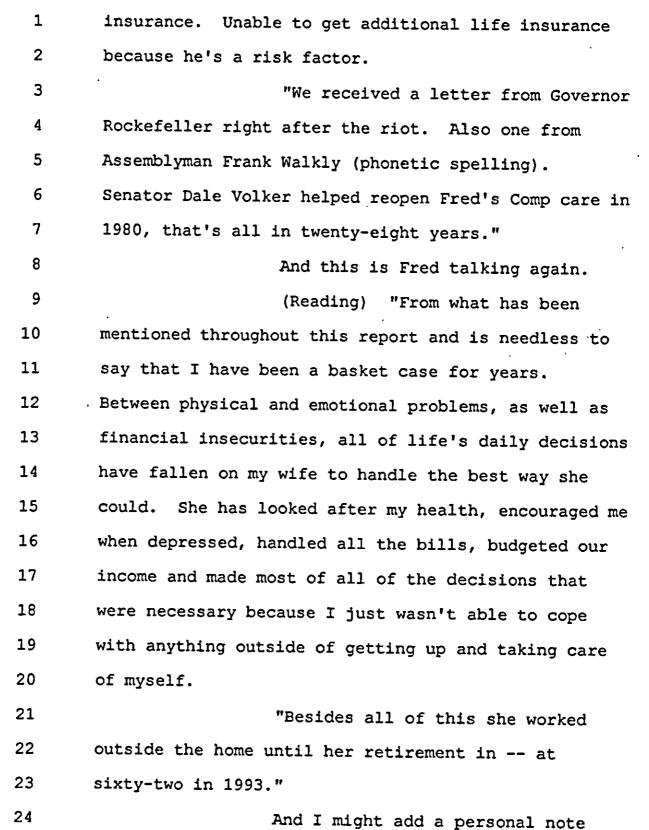
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there. She's had a stroke. 1 "To say the last twenty-eight years 2 3 have been easy would be ridiculous, but life goes on 4 and you make the most of what you are handed. Together, with a strong faith in God, we have made 5 the most of a harrowing ordeal, which left our lives 6 7 changed forever. We were told you cannot sue the 8 State. We were given no advice by the State or 9 anyone else concerning any options we might have. So, on that basis we went forward the best we could, 10 never expecting anything to come out of Fred's 11 involvement in the '71 riot." 12 13 "When we were given the article 14 from the Atlanta Journal concerning the inmates 15 getting a settlement for their part we were totally 16 shocked and dismayed. How could the state of New 17 York do this and make no attempt to compensate all 18 the innocent workers who were caught in the middle? 19 It has not been easy dragging these memories back to 20 the forefront of our minds. We have been trying for 21 years to forget most of these events in order to 22 survive and move on. 23 "We hope that the state of New York

will eventually be forced to do what would have been

1	right in the beginning. Thank you."
2	COMMISSIONER GOORD: Thank you,
3	Mrs. Fargo. Thank the Miller family for us too also.
4	We're going to take a break for
5	lunch. Dee has we've provided lunch for you and
6	we'll get started again at one o'clock.
7	(A luncheon recess was taken.)
8	COMMISSIONER GOORD: Mr. Raymond
9	Bogart, please.
10	MR. BOGART: Good afternoon.
11	COMMISSIONER GOORD: Good
12	afternoon, sir.
13	FROM THE FLOOR: Good afternoon.
14	MR. BOGART: Just like that
15	commercial, can you hear me now?
16	Good afternoon. My name is Raymond
17	Frederick Bogart. I live in Auburn, New York and I'm
18	a retired New York State correction officer.
19	I started working for the
20	Department of Corrections on April 16th, 1970 at
21	Greenhaven Correctional Facility. No training, never
22	was inside of a prison before. At Greenhaven they
23	gave you a nightstick and a set of keys and said
24	follow the inmates. Boy, that's what you call on the

1	job training.
2	Four months later I did go to the
3	training academy for three weeks and then two months
4	later I was transferred to Attica, New York. I liked
5	Attica. It was only two hours from Auburn, New York,
6	where Greenhaven was four hours.
7	Also at Attica they had rooms for
8	the officers that lived out of town, which you could
9	rent for two dollars a week in the administration
10	building, which helped me with a wife and four little
11	children back in Auburn, New York. But the only bad
12	thing about it, when you got off duty you were still
13	inside the prison behind the walls.
14	While in Attica I never had any
15	training on riot control and I didn't even know if
16	they had a plan for riot control. But in the summer
17	of '71 you could feel a change at Attica. The
18	tension was starting to get bad. In September of '71
19	the tension was very bad. The inmates seemed to be
20	more hostile towards the officers.
21	On September 8th, '71 after I
22	finished my tour of duty from seven a.m. to three
23	p.m. the tension was so bad I just had to get away

24 and I got in my car and drove back to Auburn, New

1 York, knowing I'd have to get up early, be back at 2 the seven a.m. lineup on September 9th. On September 3 9th we were short twenty-nine officers, five 4 sergeants and two lieutenants. 5 Also, on September 9th at the seven 6 a.m. lineup Lieutenant Curtis was there explaining 7 about the problem they had the night before on 8 September 8th, '71. He said be careful, we don't 9 know if there will be more problems today. Do not 10 open your cell doors or your in-gates on your company until you are told to. And if we have a problem, let 11 12 · them know. 13 I was assigned to A Block, Two 14 Company. After lineup all the officers were walking 15 to their different assignments. We're all 16 discussing, hoping nothing would happen today. But 17 we all knew it was just a matter of time before 18 something happened. 19 When I got to Two Company I opened 20 the lock box. The lock box is a big metal box at the end of each company. And inside this box there's all 21 22 the brass handles to every cell on the company. By 23 this time I'm all uptight, my hands are all wet with sweat and I'm waiting. And finally they say run two 24

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- company to the mess hall or open the cell doors, I'm 2 sorry, on Two Company. 3 So, I'm trying to open them, but my hands are slipping off the brass handles. 4 finally did manage to get them all open. To my 5 surprise I didn't have a problem, but the tension --6 the tension was very, very bad. Finally the word 7 came, run two company to the mess hall. So, I opened 8 the in-gate and closed the lock box. You always got 9 to remember to close the lock box because you got 10 forty inmates marching off beside you and they can 11 · reach right in quick and open any cell door that they 12 want to. So, you got to remember to close that lock 13 14 box. 15 So, off the company they ran. Ι 16 didn't have a problem, but the tension bad, bad, bad.
- We marched to the mess hall, no problem. Tension, 17 bad. We got through with the mess hall, no problem. 18 So, on the way back I came to Time Square. Time 19 Square is an area in the center of the prison with 20 all these different gates that control the movements 21 of the inmates to different parts of the prison. All 22 the gates to A Block were open. 23
 - Normally at this time the inmates

would go to the yard after the mess hall, but because 1 of the problem of the night before, on September 8th, 2 3 they were supposed to lock back in their cells. So, when the inmates got to A yard door and found it was 4 5 locked, and we're told they had to lock back in their 6 cell, that's when the problems start. 7 Now, here I am, I'm coming back 8 from the mess hall not even knowing that there's a 9 problem in front of A yard door. So, as I get 10 through Times Square and I start going down the 11 corridor to A Block there it is. There's a big group 12 . of inmates in front of A yard door and at the same 13 time here comes Lieutenant Curtis. He's walking up 14 to the inmates. And soon as he gets to those inmates I heard, "You no good mother f'r" and the inmates 15 16 started beating Lieutenant Curtis. So, what a shock 17 that is to me.

But immediately I run ahead of my

company, go down and help Lieutenant Curtis by

pulling an inmate back. The first thing that hit me

was a white football helmet and when that hit me in

the side of the face my -- my nightstick flew out of

my hand. I never understood it, that being a young

officer, why did they all like football. You -- it's

hard enough to break up a fight when they're just in 1 their normal clothing, let alone football helmets, 2 3 shoulder pads and the works. 4 But anyway, when I got hit in the side of the face and my nightstick flew out of my 5 hand, I thought I had died and went to heaven. 6 Something wonderful feeling, warm, something soft was 7 flowing all over me. And when I come to and realized 8 where I was and what I was, the blood running in my 9 eyes, my ears, my mouth, all over -- all over me. 10 11 While all this was going on Elmer . Huehn, the hall captain of A Block or the first 12 officer, he come down to help Lieutenant Curtis and 13 myself. And he was also beaten for coming down to 14 help us. To this day I don't know how we got away 15 from the inmates. I don't know how we got away from 16 them in front of A yard door and I don't know how we 17 18 got away from them in A Block. 19 But all three of us, Lieutenant Curtis, Elmer Huehn and myself, we all ran down the 20 corridor to A Block. Soon as we got into A Block 21 Lieutenant Curtis went to the phone. The inmates 22 were right behind us, they could have grabbed us at 23 any time. I don't know why they didn't. But he got 24

- to the phone, the inmates yanked the phone out of the 1 2 wall, tipped over the desk, and while this was going 3 on I'm going to the gate that leads out of A Block to 4 the administration building. There was an officer on the other 5 6 side of the gate. I couldn't tell who he was because 7 the blood was running so bad in my eyes I couldn't recognize him. I'm yelling to him, "Please open the 8 9 gate, please open the gate, let me out of here." And it sounded like he was crying. I can't open this 10 11 gate for anybody. 12 Again, at this moment I think it 13 was Elmer Huehn, he said, "Over here". We all ran 14 down the flats -- the company on the flats, over the first floor of the cell block. The in-gate was 15 16 closed. The inmates are pounding on the in-gate, 17 "We'll get you mother f'ers, we'll get you." We 18 finally went down and found a cell door open on the
- But Elmer Huehn and Lieutenant
 Curtis, they found the cell door open. Lieutenant
 Curtis saw a movement in the administration building
 so he's flashing the light on and off in the cell.

getting weaker and going into shock.

company. I -- I'm not doing anything, I'm getting --

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He found a white shirt in the cell, he's waving the 1 2 white shirt, hoping somebody would see us, but 3 nothing ever come of that. 4 So, Elmer Huehn and Lieutenant 5 Curtis started barricading the front of the cell. 6 They picked up the bed, stuck the legs through the 7 bars of the cell door and of the cell. Then they 8 wrapped the belt around the cell door and the -- and 9 the bars of the cell. 10 At that time -- about that time the 11 sirens went off, letting everybody know we got a big problem at Attica. Also, we had an inmate on the 12 13 company with us, he was the clerk of A Block. He 14 would mop up all the blood and he would come back and 15 say the inmates are working on the in-gate. But he didn't have to tell us, we could hear the inmates 16 17 working on the in-gate. 18 So, finally the inmate comes down and says you better get ready -- the inmates had the 19 20 keys and they're coming down to get you. So, we all start praying and making ourself right with God at 21 that moment. Finally the inmates come down gallery 22 with their white hoods covering their faces and they 23

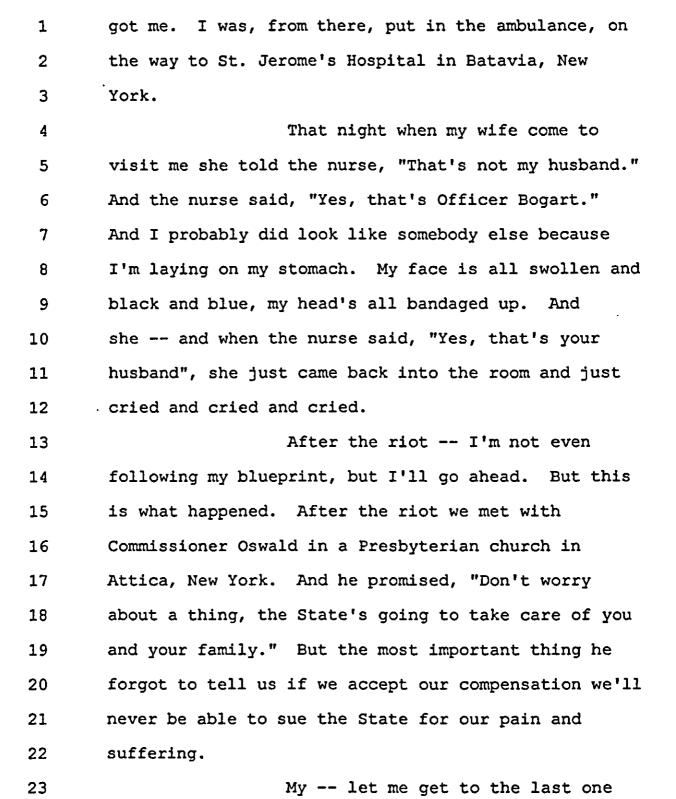
stopped in front of the cell and they said, "Come

1 out." We -- no, we're not coming out. 2 Finally they bring out this gasoline, either come out or we're going to burn you 3 4 out. So, really you don't have much of a choice. But anyway Elmer Huehn, he was up on the bed hoping 5 6 his weight would keep the bed on the bars of the 7 cell. And he started talking with the inmates. And a decision was made that the inmates just wanted us 8 9 for hostages. They didn't want to harm us anymore. 10 So, the barricade was taken down, the inmates came in 11 and got Lieutenant Curtis and Elmer Huehn, · blindfolded them and led them away. 12 13 Me, I can almost think -- see what 14 they were thinking when they looked at me. Here I am 15 all covered with blood. They just picked me up and 16 carried me to D yard. They didn't bring me to where 17 the other officers and hostages were. They had a 18 first aid area set up in D yard for the inmates. So, 19 that's where the inmates brought me. When I got there at the first aid area there was an inmate there 20 that I knew. He was an inmate nurse. His name was 21 Tiny Swift (phonetic spelling). And I felt a little 22 better because at least I knew him. 23 24 And he give me something for my

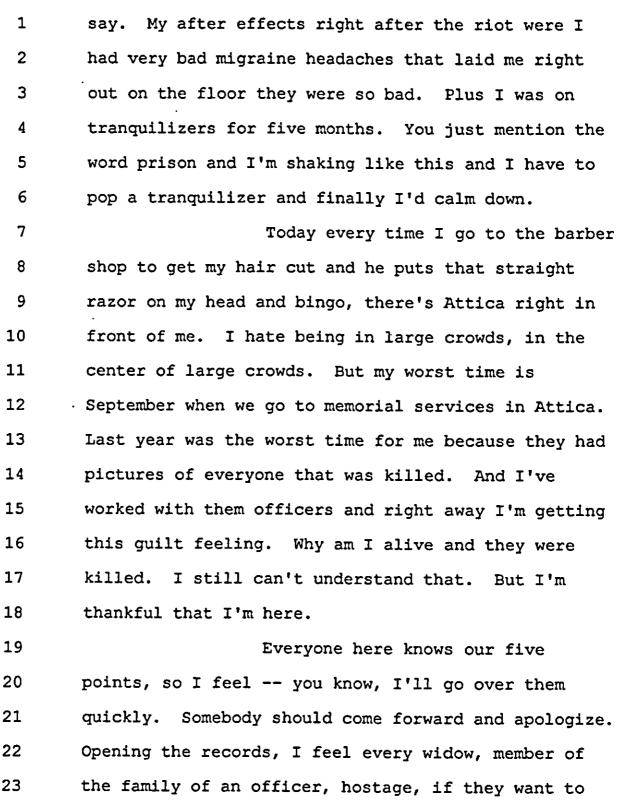
pain and he -- and I could hear him talking to the 1 2 other inmates. This officer is hurt bad. He's lost a lot of blood and he should be taken out of here. 3 4 And then he come back and said I'll get back to you. I'll try to get back in. 5 6 By then my face was all swelled up. 7 I'm laying on my stomach like this because my back is 8 slit open where I got cut. And of course, by now, I 9 had -- Lieutenant Curtis really gave me a cloth and I 10 kept it on my head and that sort of slowed the bleeding down. So, finally Tiny Swift got back to me 11 12 with another inmate and they had a stretcher with 13 them. They said I'm going to try and get you out of the area. But by that time the inmates had guards at 14 all the different doors that led out of D yard. 15 16 So, they carried me to the door 17 and the inmates said, "Take that mother f'ing pig back, he's not going anywhere." So, back to the 18 first aid area I go. Tiny Swift says I'm going to 19 try to get back to you. Well, I'm laying there, I'm 20 21 looking around the yard. The inmates got all kinds 22 of weapons. They're sharpening them on the walls, 23 the concrete. And one inmate, he was standing on the

table, he had a white band and big old glasses. He

- was explaining something to the inmates.
- 2 And finally later in the afternoon Tiny
- 3 Swift gets back to me. And he says I'm going to try
- 4 one more time. If they don't let you go this time, I
- 5 do not know what's going to happen to you. So, away
- 6 we go. We got to the door, the same thing happened.
- But this time Tiny Swift said if you don't let this
- 8 officer go, he's going to die. And they hemmed and
- hawed, they didn't want to let us go, but they
- 10 finally did.
- By this time the state police and
- 12 the correction officers had retaken A Block. So,
- 13 Tiny Swift and the other inmate, they carried me out
- 14 the door, across the corridor, through A yard, into A
- 15 Block corridor. By then the gates are all locked
- because the state police have retaken A Block. So,
- they laid me on the floor. And someone in the block
- hollered who do you have there. We have an officer
- and we think his name is Bogart. And the state
- 20 police asked Tiny Swift and the others do you want to
- 21 come out now with officer. He said I can't, I got to
- go, you know, back in.
- So, when Tiny Swift and the other
- 24 inmate left the gates were opened. They come out and

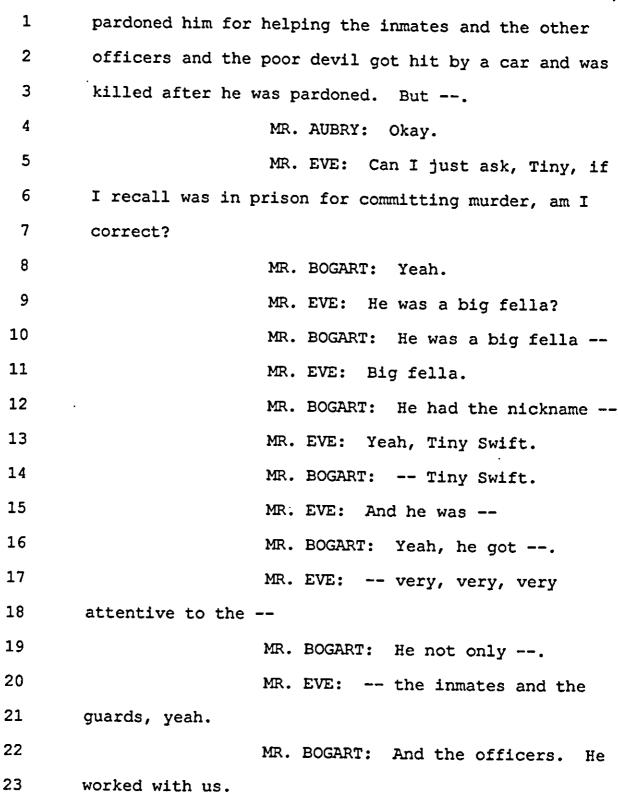


here. The after effects really is what I'm trying to



sue, let them sue. Counseling, I feel if anyone

needs counseling dealing with the horror of the riot, 1 the state of New York should help them. That's how I 2 3 feel. 4 Compensation, I feel every widow, every officer taken hostage, injured, should be 5 fairly compensated for their pain and suffering. 6 7 And at this point I'd like to thank 8 the state of New York for letting us have our memorial service every September 13th in front of 9 Greenhaven (sic) Correctional Facility. And thank 10. you for letting me tell my story even though I didn't 11 · go word by word. But that's the gist of it. Thanks 12 13 a lot, guys. 14 COMMISSIONER GOORD: Thank you very 15 much, Mr. Bogart. Do you have any questions? 16 MR. AUBRY: What happened to Tiny 17 Swift? 18 MR. BOGART: Pardon? 19 MR. AUBRY: What happened to Tiny 20 Swift? 21 MR. BOGART: Tiny Swift, his name 22 is -- his name was Ralph Swift --23 MR. AUBRY: Uh-huh. 24 MR. BOGART: -- and the governor



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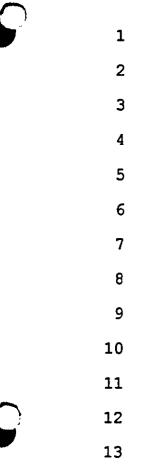
MR. EVE: And I remember him.

fact that's the first time I've heard his name --1 2 MR. BOGART: Yeah. 3 MR. EVE: -- since then. But --. 4 MR. BOGART: I think I mentioned 5 him to you in Albany. 6 MR. EVE: Yeah. You may have --7 you may have mentioned it. 8 MR. BOGART: Yeah. 9 MR. EVE: Yeah, Tiny Swift. Yeah. 10 Yeah. 11 MR. BOGART: Yeah, so --. 12 MR. EVE: Okay. 13 COMMISSIONER GOORD: Thank you 14 very -- go ahead. I'm sorry. 15 MR. AUBRY: There was no mention of 16 Workman's Compensation at the meeting that -- that 17 was held at that time? 18 MR. BOGART: No. MR. AUBRY: Were you -- did they 19 see you in the -- they came to you in the hospital 20 obviously. You were hospitalized for how long after? 21 22 MR. BOGART: See, that's one thing I left out. I was in the -- actually I was just in 23 the hospital one day because the next morning the 24

doctor came in and said we got you sewed back 1 together, we've done all we can for you now, it's --2 your family doctor can take care of you from here. 3 4 MR. AUBRY: Uh-huh. 5 MR. BOGART: And I said to him, if you think it's all right, boy, I'm glad to go home. 6 So, that's what happened. But the only thing else 7 that happened to me when I was at the hospital, 8 somebody from the state of New York said, don't talk 9 to -- come right to the room. I think my wife was 10 with me, don't talk to anybody. And here I couldn't 11 12 . hardly talk because my mouth was all swelled up. 13 MR. AUBRY: And that was -- that 14 was the --15 MR. BOGART: That was at --. 16 MR. AUBRY: -- that was from there 17 that -- and then you got a check every month like 18 your paycheck da, da, da was that it? 19 MR. BOGART: Yeah. It looked just like a regular paycheck. Yes, it did, sir. Yes. 20 21 MR. AUBRY: Thank you. Thank you. 22 MR. BOGART: Thank you. 23 COMMISSIONER GOORD: Thank -- thank 24 you, Mr. Bogart --

1	MR. BOGART: Thank you.
2	COMMISSIONER GOORD: thank you
3	very, very much.
4	MR. BOGART: You betcha.
5	COMMISSIONER GOORD: The Whalen
6	family, please.
7	Good afternoon.
8	MS. SPATOLA: Hi.
9	COMMISSIONER GOORD: Hi.
10	MS. SPATOLA: My name is Colleen
11	Whalen Spatola.
12	MS. HENNING: Coreen Whalen
13	Henning.
14	MS. WHALEN: And Fran Whalen.
15	MS. SPATOLA: I live in Owego, New
16	York and I'm going to try and speak on behalf of my
17	family. None of us were really nuts about doing this
18	and I got elected and I don't say no very well. So,
19	I guess I'm the loser or the winner, however you want
20	to look at it.
21	COMMISSIONER GOORD: Thank you.
22	MS. SPATOLA: I'm the daughter of
23	Harrison William Whalen. My dad was one of the
24	corrections officers who was taken hostage and slain

_	in the Attica Prison uprising.
2	In addition to speaking on behalf
3	of my mom and my sister, I'm also speaking on behalf
4	of my grandmother, my father's mother. Her name is
5	Garnetta Whalen (phonetic spelling).
6	Dee was very helpful and she gave
7	me like the outlining for the testimony to kind of
8	try to follow so that I wouldn't forget anything.
9	And I tried really hard to follow it because I wanted
10	to be able to give everybody a very accurate picture
11	of how the events of September 13th, 1971 forever
12	altered the course of my family's lives. But when I
13	sat right down and tried to go step by step through
14	the outline I realized that some of that history is
15	gone for us forever.
16	I was twelve years old, my sister
17	was eleven and we were little kids. Nobody told us
18	what was going on. We didn't understand a lot of
19	what was happening. Mom is only sixty-four years old
20	right now, but she lives with a type of
21	alcohol-induced dementia and she doesn't remember a
22	lot about that time.
23	My grandmother is ninety-one years
24	old and she's in failing health. Her mind is as



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sharp as a tack. She's one awesome lady. But that time period in her life was a very painful one and it hurts her a great deal and I wasn't willing to bring it all up and open those wounds. So, my perceptions are going to focus instead on our lives and our family and the dreams that were destroyed on September 9th, 1971. Because that's the day my dad got up, he kissed me goodbye and went to work and never came home again.

10 From what my mom tells me, my dad
11 had been a corrections officer for about thirteen
12 years by September of 1971. He started his career
13 with the state of New York in Attica and he only
14 worked there for a few weeks and he was transferred
15 to Auburn and then to Mattawan and then back to
16 Attica.

And that was what their game plan was. I mean my parents had hoped that he would end up back in Attica before my sister and I started school because that's where all of our families were from. That's where they bought their house and where they wanted to raise their family. And my dad had been employed at Attica for about ten years at the time of the riot.

1	Mom told me that she first learned
2	of the hostage situation when she heard a special
3	broadcast on the radio. She later received a phone
4	call from the Department of Corrections confirming
5	that my father was among the employees who was taken
6	hostage. She was scared to death to leave the house
7	because she was afraid she wouldn't hear the phone.
8	She called the school. They came and got us and in
9	the days that followed most of the information that
10	my mother got were from family members of other
11	hostages. She didn't hear from the State Department
12	of Corrections again.
13	My sister was in sixth grade and
14	she says she clearly remembers being in Mr. Adrian's
15	(phonetic spelling) social studies class when the
16	principal came in and got her and asked her to come
17	to his office. I was in seventh grade. I was in
18	Mrs. Simmons' music class. Patty Lewis was in my
19	class. It was early September and it was hot and the
20	windows were all opened.
21	And right before I went into music
22	class somebody said, "Hey, did you hear there's
23	something going on at the prison." And I you
24	know, I I was just one of those goody-goody's who

1 just had to get to class on time and I went in. 2 I'm sitting there confused and all of a sudden you could just hear siren after siren after siren as the 3 4 emergency vehicles made their way past the school up 5 Route 98 on their way to the prison. 6 I -- I felt so bad for Mrs. 7 Simmons. I can remember her just standing up there, 8 you know, doing her thing and not a person said a 9 word. We all just kind of sat there numb. Everybody 10 knew that something was going on, but nobody really 11 knew what. Mrs. Dolan (phonetic spelling) came in . the room. She was the principal's secretary. And I 12 13 remember in that very sweet, polite voice she had she 14 asked me and Patty Lewis to please come with her to 15 the office. And the only thing that we really had in common was that our dad's worked at Attica. And I 16 17 remember Patty looking at me and me looking at her 18 and we both just sat there. 19 I remember being scared to death 20 and I thought if I just sit here and I don't go with 21 her, she -- she can't tell me anything bad. 22 sat there for a while. When we got to the 23 principal's office he told us that there was a 24 problem at the prison, that they really didn't have



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too many details, but they thought it would be better 1 if we stayed there for the rest of the afternoon. 2

Mom was afraid to leave the house because she wouldn't hear the phone. Nobody told us anything. We just sat there. And we waited and we got more and more panicked. And I remember when school finally let out Coreen and I walked to the bus. There was this really rotten kid. I was in seventh grade and my memory, I thought he was, like, maybe in tenth or eleventh grade, he lived down the road and he was just a monster. And I remember right . outside the bus he kind of like grabbed both of us by the arms and he says, "Oh, did you hear, they've taken like a million hostages and your father got shot in a hundred places and he's going to bleed to death."

17 The bus driver was livid. wouldn't let him on the bus. And I remember the two 18 of us just sat on the front seat and other children 19 20 sobbed all the way home.

21 When I look back at it I realize that the human mind is an amazing machine because 22 when things are just too painful to deal with I -- I 23 think we just kind of go on auto pilot, you know.

Τ.	iou just kind of get through what you have to get
2	through and you remember what you can remember and
3	the things that hurt you bad, you don't remember.
4	All of the days, those five days
5	during the riot are kind of like a blur. I remember
6	kind of being shuffled from our house to grandma's
7	house and my aunt's house and nobody wanted to talk.
8	Everybody just kind of sat in front of the T.V. and
9	nobody said much of anything.
10	We were forbidden to go outside by
11	ourselves and we were forbidden to answer the phone.
12	. Because that day when we got off the bus crying there
13	was actually somebody from the press hiding behind a
14	bush at the end of our driveway. And they wanted to
15	know what kind of a man our father was, did he ever
16	beat us, was he ever mean to us. They just wanted
17	whatever information they could get to make their
18	story sell.
19	I remember being afraid, I remember
20	being really afraid and I prayed like constantly. It
21	got to almost be like a chant. I mean I just kept
22	saying, God, please let everything be all right.
23	Please let everything be all right.
24	I remember seeing my dad on the six

o'clock news in a film click and we begged --1 remember, we begged to be allowed to stay up till 2 eleven o'clock so that we could see him again. And 3 it was awful because he was blindfolded and he had on 4 prisoner's clothes and he looked so sad. He was 5 barefoot. He didn't have any shoes. But at least it 6 was him. And I mean as scary as it was and as sad as 7 he looked, at least I could see him. 8 9 The day the prison was retaken mom said she actually found out from my grandmother that 10 my dad had been shot and was being taken to St. 11 . Jerome's Hospital. And he found out from -- she 12 found out through grandma because grandma was a nurse 13 at St. Jerome's and some of her friends who were at 14 work let her know. She never did hear from the 15 16 prison. I mean she -- she followed them to the 17 hospital and she stayed with daddy and he got transferred from St. Jerome's to Strong Memorial 18 19 Hospital in Rochester. 20 That last month of my father's life was on the intensive care unit at Strong Memorial 21 Hospital. My dad suffered three gunshot wounds when 22

the prison was retaken. My dad was a big man.

was six three. He was very active. And one of those

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bullets severed his spinal column and he never would 1 2 have moved again. 3 So, now, years later, I mean when I look back on my please let everything be okay, God in 4 his wisdom, did let everything be okay because my 5 father never would have been content to live that 6 kind of a life. But at the time I was furious. I 7 mean I hated God. I thought how could you do this to 8 9 I am twelve years old, I've always done everything I was supposed to and you just took this 10 11 man from me. That month was awful. They did 12 . surgery, they could remove two of the bullets, but 13 one of the bullets was too close to his heart and 14 they couldn't go in and take it out. 15 And mom never came home. She lived at the hospital for that month. And they told her 16 17 that that bullet wasn't stationary, it -- it was 18 moving. And what they were afraid of was if it moved in a certain way and it hit the heart just right and 19 the heart was contracting it -- it would stop his 20 21 heart and it would kill him. 22 But daddy had horrible nightmares. And they used to sedate him, you know, to kind to try 23 24 to help him with the nightmares.

1	I remember that we were allowed to
2	see him once in that month and we were so excited. I
3	mean you can't imagine how long a month is to a
4	twelve-year-old. Your mom's gone, your dad's gone,
5	everybody whose with you is just they just look at
6	you and they cry. It's just it was awful.
7	And when we got there, I mean we
8	were so excited it took like an hour to get there and
9	we were talking about everything we were going to
10	tell him and everything we wanted to ask him. And
11	when we got there, poor Coreen was terrified. I mean
12	. she she was so afraid of him. There were so many
13	tubes and so many machines and he'd kind of grown a
14	beard, which he never had. And she got so hysterical
15	they had to take her out of the intensive care unit.
16	I held up a little bit better and
17	they let me stay. And I kept trying to talk to him
18	but he had a tracheostomy and that I don't know if
19	any of you have ever tried to talk to somebody with a
20	tracheostomy, but they don't really have a voice.
21	They have like this breathy raspy kind of whisper.
22	And I couldn't understand what he said and I kept
23	trying to talk to him and I kept trying to ask him
4	questions. I'd just say what. And he was really

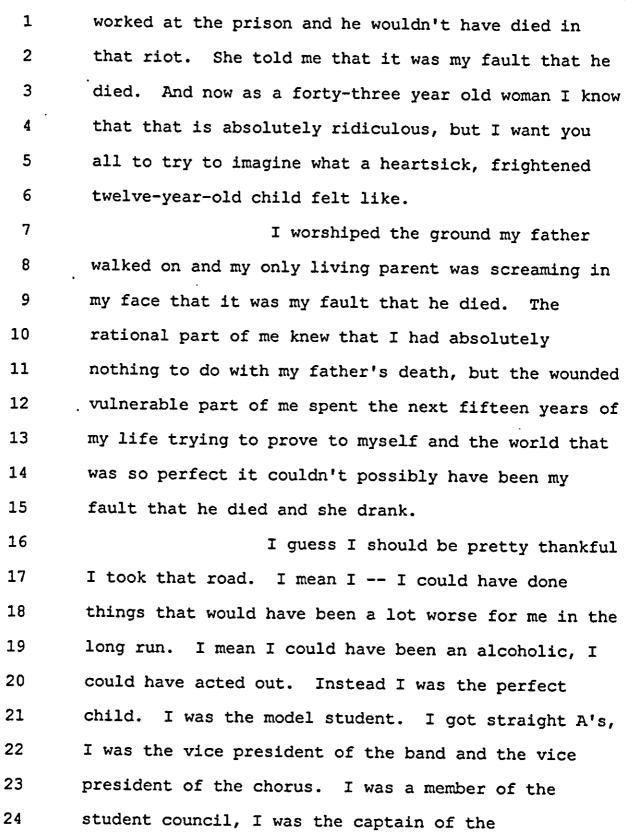
1	trying hard to explain it and I just remember feeling
2	so bad because I didn't want him to feel bad. I
3	didn't want him to feel bad because I couldn't
4	understand and I felt like we had really hurt him
5	because we were so afraid of him.
6	And you know, when I look back on
7	it, it's frozen forever in time. But I think the
8	whole visit probably took five minutes. I mean they
9	
10	waited forever to let us go in because he was so
11	critical and and the whole think took maybe five
12	minutes. But it was the last time I ever saw my
13	father alive. The bullet they were worried about
14	moved and one month to the day after the retaking of
	the prison, on October 13th, 1971, my strong,
15	handsome father died.
16	When I look back the whole time
17	during the funeral and after the funeral is pretty
18	much a blur too. I mean I remember like bits and
19	pieces. I remember Marleys Funeral Home in Attica
20	and I remember there were what seemed like hundreds
21	and hundreds of people. And I remember that daddy
22	didn't look like daddy. I hated the way they combed
23	his hair because he never wore his hair like that.
24	And I messed it up so that it would look like him and

I got yelled at. I remember the man at the funeral 1 2 home wasn't too nuts about me. 3 I remember his hands being really, really cold. I -- I remember the streets of Attica 4 and they were lined with more prison guards and 5 people in uniform that I'd ever seen in one place in 6 7 my entire life before or since. I remember flinching every time they shot the rifles for a twenty-one gun 8 salute. I remember my best friend, Kathy Brugner's 9 (phonetic spelling) mom leaning against the window of 10 11 her car and crying. There are just bits and pieces. . They're -- they're fragments out of time. 12 13 Mom said she accepted Workmen's 14 Compensation checks because they were offered by the. 15 State as a way of taking care of us. Nobody ever told her that if she took those checks that she was 16 17 going to be waiving the right to ever sue the death -- the State rather for wrongful death. 18 19 money that ran our household came from dad's social 20 security payments and his Workmen's Compensation 21 benefits. 22 I remember going back to school after the funeral and being totally ignored. Nobody 23 24 knew what to say to us, so they just didn't say

- anything. And as uncomfortable as that was it really 1 2 beat being at home. Because essentially I lost both my father and my mother that year and my childhood 3 4 ended. 5 After my dad died my mom began -began drinking very heavily. She was an alcoholic. 6 7 At twelve years old I got to be the mother. Somebody 8 had to make sure that the house got cleaned and we 9 had clean clothes to wear and that we ate. And basically we fended for ourselves. 10 11 I stopped bringing friends home . from school because you never knew what you'd find 12 when you got there. I can't tell you the number of 13 times I'd come home and I'd find mom all curled up in 14 a fetal position passed out somewhere on the floor in 15 the house. And mom wasn't usually a very nice person 16 when she drank. It's not the mom I remembered. 17 had a wonderful childhood when I was a little girl. 18 And I think the hardest part was I knew the 19 difference. And part of me still loved her and part 20
- I resemble my father a great deal
 and I think that that was probably a very, very
 painful thing for mom. And I usually took the brunt

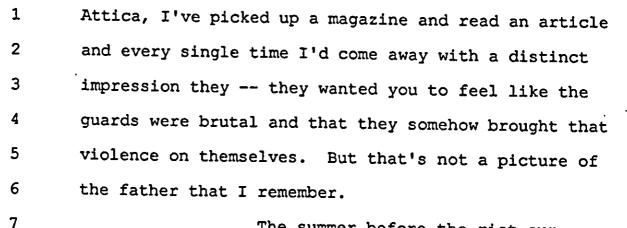
of me hated her for what she was doing to us.

- 1 of her anger.
- 2 I can remember one night about a
- month after daddy died when mama said something that
- 4 would haunt me for years. When I was a kid daddy
- 5 always used to talk about this big dream he had about
- 6 moving to Australia. Well, we all know what we're
- 7. going to do with our dollar and a dream, you know.
- When we win the lottery, da da da da da da. Well,
- 9 daddy's dream was Australia. I didn't want to move
- 10 to Australia. I loved my house, I loved my friends,
- I loved my school and the last place in the world I
- 12 wanted to be was Australia.
- Those of you who knew my dad knows
- he was a terrible tease and I think he really enjoyed
- 15 being my verbal sparring partner. And every once in
- a while he'd just toss up some little tidbit about
- Australia and I'd get right on my high horse and I'd
- 18 rise to the occasion and let him know just what I
- 19 though of that idea. We'd bicker back and forth and
- 20 it was kind of fun. It was like a game.
- 21 Well, one night mom was drunk and
- she told me that if I could have kept my big mouth
- shut we would have moved to Australia, we wouldn't
- have lived in Alexander and daddy wouldn't have



T	cheeffeading squad, I was the captain of the color
2	guard. I was homecoming queen. I was a member of
3	the honor society, I was a New York State girls State
4	representative. I was revolting.
5	I mean when I look back at my
6	senior yearbook you know how they give everybody
7	something that they were known for, I was known for
8	winning honors. I can remember one of my teachers in
9	high school who was young and newly married said to
10	me one time, "You know, if I ever have kids I hope I
11	get one just like you." And and I was screaming,
12	take me. Back then nobody got counseling, nobody
13	offered anybody help. I can remember dragging poor
14	Coreen to an Al-Anon meeting when I had read about it
15	in the newspaper and I thought that was going to be
16	our savior. Well, mom found out about it and she
17	went nuts. She screamed and she yelled and she
L8	hollered and she told me it was absolutely nobody
L9	else's business what went on in our house and that
20	was the end of my attempt to get some help.
?1	Years later as an adult I did seek
22	counseling. It was right after the birth of our
23	third child. And don't get me wrong, he is an
4	awesome child. He was the best of all of my babies.

1 But up until then when we only had two kids I could 2 still be super woman. I was that June Cleaver kind 3 of mom, you know. My house was spotless, you could 4 eat off the floors. My kids were always perfect. 5 There was never anything left undone and I had 6 carried that behavior into my adulthood. I really 7 thought that I had to be perfect. 8 I remember going to this counselor 9 because once Nick was born I felt like I was losing 10 it. I mean I just -- I was being pulled in too many 11 directions. And it was very obvious to me at that point that I wasn't perfect. And I remember this 12 13 wonderful woman looking at me and telling me that I 14 had been trying to prove to myself since my dad died 15 that I had worth, that I was a valuable person. But 16 in my head somehow it got all mixed up and the only 17 way I thought I could do that was by being perfect. 18 That's an awful lot of pressure to put on yourself. 19 It wasn't until then that I 20 realized just how deeply I had been wounded by what I 21 lived. I can remember I was rejected by my mom and my memories of my father were attacked by the media. 22 I mean I'm sure all of you have felt it. I don't 23 24 know how many times I've watched a movie about



The summer before the riot our

family took our only real vacation. And we spent ten

days going through New England. And we went to

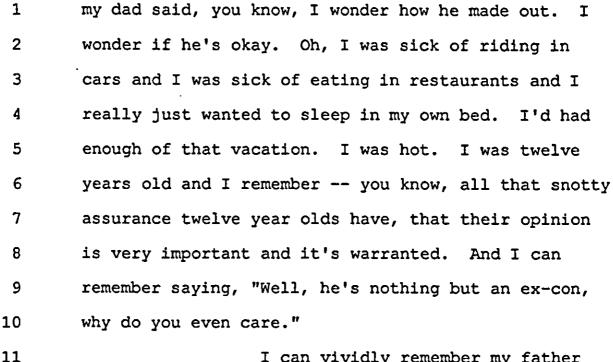
Mystic Seaport and Sturbridge Village and Salem. We

went to the ocean and we ate in restaurants and we

slept in hotels and we drove a lot.

13 I can remember my parents sitting in the front seat of our station wagon. Coreen was 14 asleep and they were talking about a man who had been 15 an inmate at Attica. This guy did beautiful leather 16 work. And I remember my dad purchased a purse for 17 each of us. I still have mine. It was this really 18 pretty tan leather and it had a long shoulder strap 19 and there were flowers and vines worked into the 20 leather. When you lifted up the flap where the purse 21 22 closed my initials were underneath.

Anyway, my mom and dad were talking about this guy and apparently he'd been released and



I can vividly remember my father pulling that station wagon across three lines of traffic and asking me to have a seat on the guard rail next to the car with him. Oh God, if I close my eyes I -- you know, you can still hear that whoosh of the cars going by, you know, how the car kind of shakes a little bit from it. And if I close my eyes I can still see those heat shimmers coming off of the road. And I remember my dad looking me in the face and telling me how disappointed he was of me. And he said, you know, he did something wrong, he paid a terrible price for it and now he gets to get on with the rest of his life. It's over. He says how would you like it if I grounded you, you know, for doing

- something and when it was over I threw it back in

 your face every single day for the rest of your life.

 And I remember him telling me that

 there would be enough people who would do that to
- 5 that man, but he never thought it would be one of his
- 6 kids. And I remember being so ashamed of myself. It
- 7 was probably the most valuable lesson he ever taught
- 8 me. That's the father I remember. He wasn't a
- 9 brutal man.
- All these years later my husband
 and I have four beautiful children and as parents
 we've tried really, really hard to instill values in
 them that are going to help them to find who they are
 as individuals. One of those values is the
 importance of treating other people the way you want
 to be treated. And one of them is just to always do
- your personal best. Whatever that is, that's good enough. That's all you can do. And one of them is
- if you hurt somebody, and you're going to, because
- we're all human beings and it's in our nature, you
- 21 need to acknowledge it and you need to go to the
- person that you hurt and you need to tell them you're
- 23 sorry and you need to ask for their forgiveness.
- 24 I'd like to let the state of New

1	York and Governor Pataki know that I appreciate this
2	opportunity to tell my family's story. I'd also like
3	to tell you that an apology from the State for wrongs
4	committed over thirty years ago would go a long way
5	to healing some of the pain and hurt that you've
6	witnessed in these rooms. But even if that apology
7	never comes it's very important to me that I have
8	this opportunity to let the state of New York know
9	that I've forgiven them. Anger and bitterness and
10	resentment eat away at a person's soul.
11	After counseling and because I have
12	a tremendous faith in God I have decided personally
13	that there is no room in my life for the agony that
14	being that unforgiving person to put someone through.
15	I would ask this committee to urge the state of New
16	York to provide counseling for those survivors who
17	request it. I don't believe that a person can emerge
18	from an ordeal as traumatic as this one without
19	counseling and remain a whole person.
20	I would ask that the forgotten
21	victims of Attica be allowed to hold a private
22	memorial service every year as they have been allowed
23	to do thus far and I thank you for that. In a way
24	this is our opportunity to honor our loved ones and

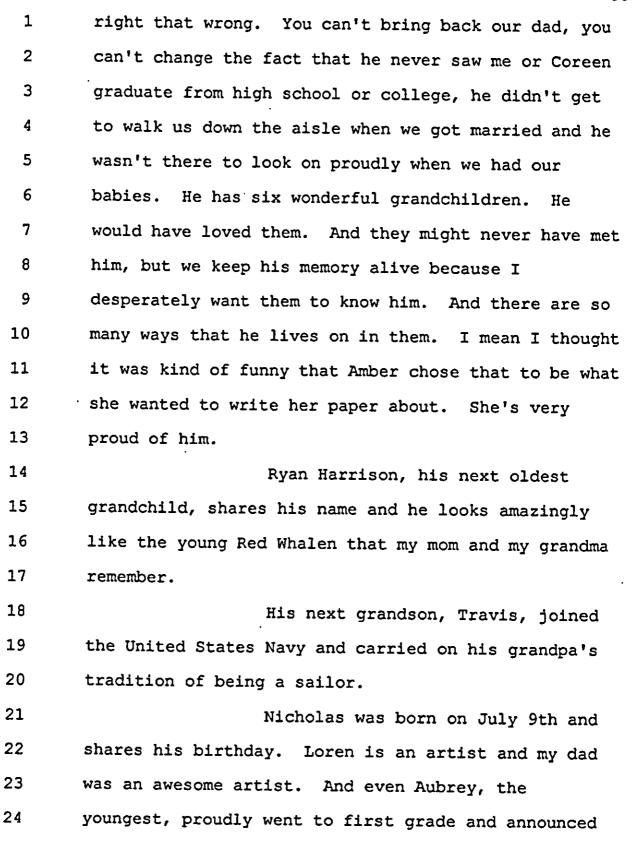
1	it's an attempt to let the world know that we're
2	never going to forget them.
3	My oldest daughter, Amber, is a
4	senior in college and her sophomore year in college
5	she had to write a paper about a historical event.
6	But they wanted them to look at the event that was
7	something that had normally been perceived one way
8	and to put a twist on it and and look at it from a
9	totally different perspective. Amber chose to
10	remember the uprising at Attica.
11	I'd like to read all of you a quote
12	from her paper and I quote, "So, what happens to the
13	silent heros, the ones who were gunned down by their
14	employers, the ones whose families were stripped of
15	their right to file any grievances when they cashed
16	the death benefit checks they needed to survive? The
17	guards risked their lives everyday protecting our
18	society and their lives were taken by the very people
19	they served, the ones they fought to protect, the
20	state of New York.
21	"Our country awards purple hearts
22	for the type of bravery that these men displayed in

23 their final days. The state of New York saluted them

with a dubious phone call from Governor Rockefeller

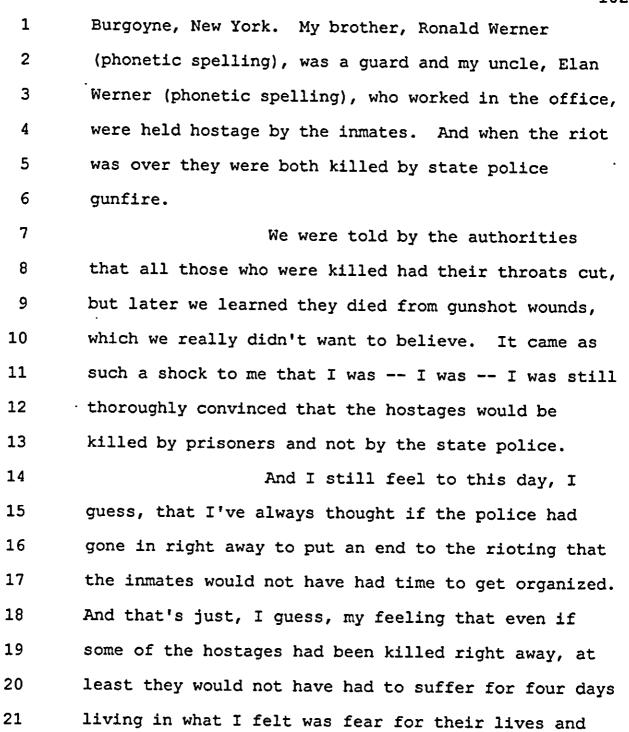
1	that was tantamount to a death sentence."
2	Those slain at Attica should not be
3	forgotten. What each and every survivor in this room
4	lived should never be forgotten.
5	I would urge this committee to
6	to recommend compensation for the surviving widows
7	and children. I would also ask that this
8	compensation be somehow protected. This has dragged
9	on for thirty-one years. These people scrimped and
10	saved and they managed to get through, but many of
11	the surviving widows are now of retirement age.
12	They're approaching an age when their health may soon
13	be failing.
14	My mom currently lives with breast
15	cancer that's metastasized to her bones. She also
16	has dementia. The dementia is the progressive type
L7	and it's a result of her alcoholism. She currently
18	lives with my family because she can no longer live
L9	on her own. But when it becomes impossible for me to
20	continue to work and give her the type of care that
21	she needs, we're going to have to look for
22	alternative living arrangements. And if mom needs to
:3	go into a nursing home the cost is greater than six
4	thousand dollars a month. The family can't pay for

that privately. The State takes all of the family's 1 2 assets to provide that care. 3 I don't really think that it would be fair after thirty-one years for the State to 4 5 recognize their responsibility, offer compensation, 6 and then turn around and take it back. 7 I would like to request that the State open the records investigating the retaking of 8 the prison. Bruce Shapiro stated in his book that 9 10 those of Attica, that quote, "The blood bath of Attica ranged in the annals of national disgrace with 11 12 my life, but Lieutenant William Kelly, who commanded 13 the My Lai massacre was sentenced to the brig. Governor Nelson Rockefeller, who ordered the troopers 14 into Attica and called those forty-three deaths quote 15 16 "justifiable homicide" end quote was elevated to the 17 vice presidency of the United States." 18 Mr. Shapiro saw the irony in this fact. Surely everyone in this room realizes that 19 20 those records were sealed to protect the state of New 21 York. They wanted to make certain that anyone who 22 cared about the contents of those records was dead 23 long before they were opened. 24 I would ask you to please try and



1	to her teacher and all of her classmates that she saw
2	pictures of her grandpa on the history channel from
3	when he was in prison. She neglected to tell all of
4	them he worked there. They're all very proud of his
5	memory and he would have been very proud of them.
6	You can't change the fact that my
7	mother and my father never got the chance to grow old
8	together. Her life was destroyed right along with
9	his. She coped the only way she knew how. I can't
10	hate her because she had poor coping skills any more
11	than I can hate her because she has cancer.
12	· Alcoholism is a disease. And I've forgiven her for
13	all the pain she inflicted on us all those years ago.
14	The dementia caused by her drinking is something that
15	all of us will continue to live with every day.
16	You can't change the fact that my
17	grandmother had to bury her oldest son. My grandpa,
18	my great grandparents and my dad all died within
19	eighteen months of each other. My dad should have
20	been around to try to help her cope with the loss of
21	her spouse and her parents. He should have been
22	there to help ease her pain.
23	You have listened to our stories
24	though and I thank you. I would ask that this

1	committee recommend that Governor Pataki act on the
2	five points, that we, the forgotten victims of Attic
3	outlined.
4 .	Thank you.
5	COMMISSIONER GOORD: Thank you
6	very, very much. Thank you very much.
7	MS. SPATOLA: Thank you.
8	COMMISSIONER GOORD: Thank you.
9	MS. SPATOLA: Okay.
10	COMMISSIONER GOORD: Loretta
11	Miller, please.
12 -	MS. MILLER: (Off Mic)
13	COMMISSIONER GOORD: I had the sam
14	problem.
15	MS. MILLER: It's called eating to
16	much.
17	COMMISSIONER GOORD: I said I had
18	the same problem.
19	MS. MILLER: My brother, Donald, is
20	going to just keep me company. Okay.
21	My name is Loretta Miller and I
22	probably don't need to spell Miller. But Loretta has
23	one R and two T's.
24	My husband, Tracy and I live in



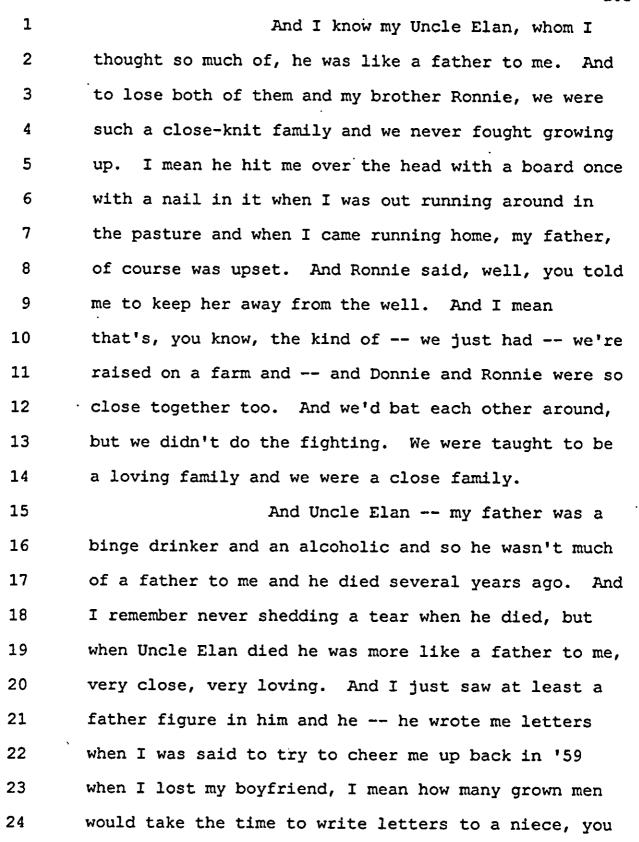
the pain I'm sure they suffered under such awful

conditions, having their hands bound behind their

backs and being blindfolded.

22

23





1	know,	just	to	try	to	cheer	her	up.	And	I've	still
---	-------	------	----	-----	----	-------	-----	-----	-----	------	-------

- 2 got those letters and they just mean a lot to me.
- 3 But he was a loving person.
- Anyways, my brother Ronnie, I
- 5 especially just -- I just remember being just sick
- 6 when I heard that he had his jaw broken. And he
- 7 couldn't eat, you know. They said they broke up
- bread for him to try to, you know, eat pieces around
- 9 in his mouth. And it's -- it's just -- I thought of
- 10 Uncle Elan all that time that they were in there
- and -- and the rain Sunday and I remembered my aunt,
- 12 Uncle Elan's wife, saying, oh, he's got arthritis so
- 13 bad. He just must be suffering terrible, you know.
- And I just feel that the hell that they endured for
- 15 those four days just had to be a lot worse than the
- 16 mistreatment that the prisoners received after the
- 17 riot.
- 18 And I -- I am just so angry that
- 19 the inmates who caused the riot, I feel in the first
- 20 place, got such a huge settlement. And I thought
- 21 what about the victims of Attica, where's the
- justice. You know, I just -- I -- I just feel that.
- 23 And my brother worked at Attica for
- 24 about seven or eight years, but he first worked at

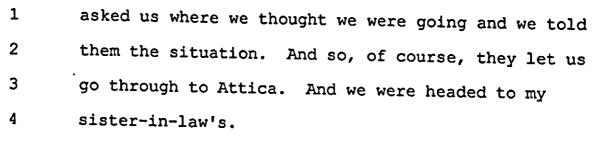
1 the Greenhaven Correctional Facility, I think about two years. I heard somebody else mention that today. 2 It must be that's where he got his on the job 3 training too. I think my Uncle Elan worked about 4 5 fifteen, fourteen years there. 6 And I remember so plainly the day 7 that the riot broke out. My husband and I were outside painting the trim on our house. He always 8 9 thought I should side the house, paint the house, shingle the house, whatever. But we were listening 10 to the radio, he let me have that privilege, and our 11 · hearts just -- my heart just pounded when we happened 12 13 to hear on the radio that the prisoners were rioting

at the Attica Prison.

15 And I remember running to the phone 16 to call Ronnie's wife, Juanita, to see if she knew anything about the whereabouts of Uncle Elan or 17 Ronnie. And I remember the Labor Day weekend we were 18 19 up there. Ronnie was also telling us, he was saying 20 there's something brewing at Attica. We can just feel the tension. He said I don't know what's going 21 22 to happen, but I remember him shaving and we were all up there just partying, having a good time, and he 23 had to -- I guess he had the night shift; isn't that 24

1	correct?
2	There yeah, he was that's the
3	last time I think we saw him alive. But he had
4	changed jobs that day. He was in the commissary I
5	believe and he wasn't supposed to be working there.
6	I think it was his first day on the job there. But I
7	guess I called Juanita and she didn't know yet
8	whether or not Ronnie or Uncle Elan were taken
9	hostage. And a few hours she called to confirm my
10	worst fears that Ronnie was a hostage, but she didn't
11	know about Uncle Elan yet.
12	And I guess I understand they
13	weren't found until maybe the following day. But I
14	was so sure in the beginning that all of it would end
15	in a timely manner and all of them would be all
16	right. I just, you know, prayed and I just I just
17	felt it was going to be okay. But as each day passed
18	and I felt, because Rockefeller refused to come to
19	Attica, I just became less confident about the rescue
20	and felt sick about what they must be going through.
21	I remember on the morning of the
22	13th going to the post office to work. And I
23	insisted that the radio be on. And I had one of
4	these kind of bosses that you never insisted anything

1	with. You sort of, you know, got down on your hands						
2	and knees and prayed that she'd let you do something						
3	or wouldn't let you. I don't know, she was a very						
4	tough boss and so it was hard for me to say I want						
5	the radio on. But she had a little compassion that						
6	day.						
7	And I remember the terrible sinking						
8	feeling I had when they started calling I can						
9	still hear the gunshots going off on the radio and						
10	being so far away, not knowing what's going on. And						
11	I remember just standing there with baited breath						
12	telling everybody be quiet, you know, as they were						
13	listing the names as they were bringing them out.						
14	And I remember hearing Ronald and my I just jumped						
15	and then it was, I think Ronald Kowalski ((phonetic						
16	spelling) or something name like that. And I						
17	remember the sinking feeling that I had when they got						
18	all through reading the names and Ronald Werner or						
19	Elan Werner were not among the names.						
20	So, I immediately told my boss that						
21	I was leaving and I joined my brother and my						
22	brother-in-law and my sister in what seemed like a						
23	drive that lasted forever to Attica. And I remember						
24	we were stopped by troopers on the underpass and						



5 But my poor brother, Donald here, and my brother-in-law, Wayne Keller (phonetic 6 spelling) got the terrible task of having to go pick 7 up their three little girls, I think they were about 8 eight, seven and five, and from school, and telling . 9 them that their daddy didn't make it. And I will 10 never ever forget seeing those three little girls 11 through the door to my sister-in-law's house. 12 five year old was all smiles because she just wasn't 13 old enough to comprehend what was going on. And she 14 was just so happy to see grandma and her aunts and 15 16 uncles, because as I said, we got together often and 17 were very close.

18 But the older two were just sobbing so hard and it seemed like it was just hours. And I 19 was just broken hearted and it was like there was 20 nothing you could do to make them feel better. And 21 Juanita sat there just holding the two of them. And 22 I just can't remember during this horrible time when 23 Juanita received a call that Ronnie made it out after



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all. Well, our reactions changed from elation to

complete sorrow when we received another call about

five or ten minutes later telling us that they made a

mistake and Ronnie didn't make it out.

And to this day we don't know who made those calls, but I think I heard somebody else saying that today mentioning it and they said he was on his way to Warsaw Hospital. So, she had rushed upstairs to get gussied up so that she could go see him and in the meantime the phone rang and poor Donnie got the privilege of answering that phone.

And he had to tell us the terrible news, which as I said, was an awful thing for him to have to do.

14 And I was so worried about my 15 mother. She just literally fell apart. And I wasn't used to seeing that. My mother was a very strong 16 person and I said even with us four kids she worked 17 hard and she was going to keep a home for us and keep 18 19 us together regardless of the part that my father played in it, which wasn't much. But we -- to add to 20 21 our shock we got a phone call from our cousin, Elan, 22 that -- saying that -- or cousin, Wayne, who was Elan's son saying that Uncle Elan had not made it out 23 24 either.

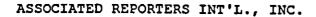
1	And we never did hear anything from
2	the D.O.C. or any of the state officials. We never
3	got a letter either like some of them that spoke
4	today. But our whole family was really deeply
5	affected by this senseless tragedy I call it. We not
6	only lost Ronnie and our Uncle Elan, but Ronnie's
7	wife decided that, I call it a geographical cure,
8	that if she took one and moved far away to Texas and
9	took those three beautiful little girls with her,
10	that she'd be able to put it all behind her.
11	And I know often I think if
12	anybody's been in trouble you feel that way. But you
13	take yourself with you, that's the only trouble. And
14	she she said years later it was the worst mistake
15	she ever made because she took them away from family.
16	And we never received the joy of seeing those girls
17	grow up. And our family was our gatherings every
18	Sunday at my mother's were never the same. We for
19	four years, up until my mother died, every Sunday all
20	of us brothers and sisters got together at my
21	mothers. It was just a thing we did every single
22	Sunday.
23	And it was potluck for supper. We
24	just all took something to eat. But we played cards,



1	that's our big thing, playing cards. I mean we just
2	really were a very close family. I've heard a lot
3	people just talk about how they don't know where
4	their brothers and sisters are, don't much care. And
5	it was just such a loss to us and it was never
6	never the same.

remember the terrible anger Donnie had. And I and my mother and the rest of us worried so about him after the riot as he started to drink heavily and carried a pistol under the front seat of his car. And we were so fearful of the rage that he was -- that he felt. I mean he -- he just wasn't our brother anymore. And combined with the alcohol that he might just -- just decide to shoot a few of the -- and I've got blank blank blank that he called the prisoners. Because we still thought it had to be the prisoners that killed them. And it wouldn't be appropriate for me to fill in those blanks, but we were fed so many lies that, as I said, we still thought the prisoners really did the killing.

But thank heavens things changed and we
finally convinced him not to carry that pistol. But
it affected my brother, which, you know, as I said,





1	affected the rest of us. I I felt like I'd lost
2	my one brother and was losing the other one. You
3	know, it was just our whole family.
4	But I also had a family physician
5	that I went to for forty years and I have received

counseling, which not through him, but a little bit. 6 7 He told me about two years ago that it was his best friend, Dr. Edland, who was the Monroe County medical 8 examiner at the time of the riot, committed suicide 9 because the state gave him such a hard time when he 10 11 wouldn't change his reports to read that the hostages · were killed by the inmates rather than his true 12 report that stated they had all been shot. 13

And I just felt that was another
tragedy because of the lies and the covers up and -and Dr. John Wilke (phonetic spelling) was my doctor
who has since retired. But he's the one that told me
this.

My biggest regret, I think, is that Ronnie's wife, Juanita, and his youngest daughter Melinda, that was five at the time had both died from cancer within the last year and a half and they'll never get to see justice.

24 And I guess in conclusion I'd like

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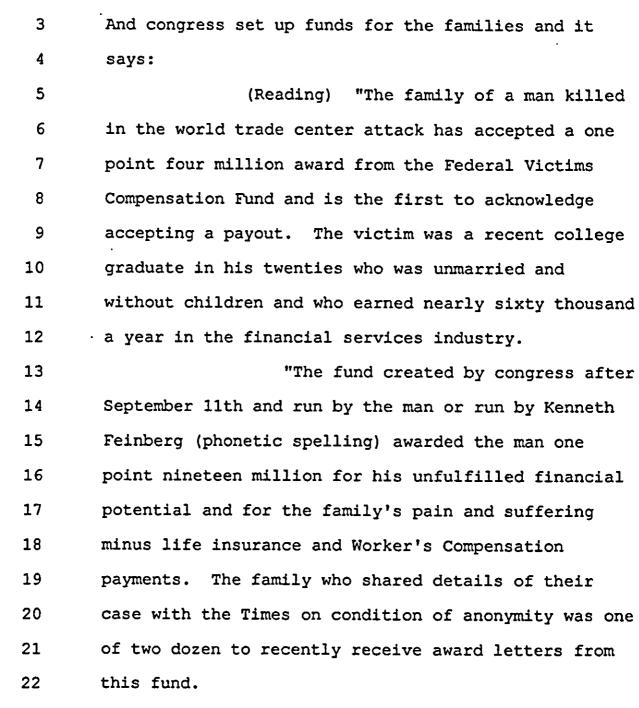
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to read an article that was in Wednesday's Batavia

Daily News concerning a World Trade Center's victim.

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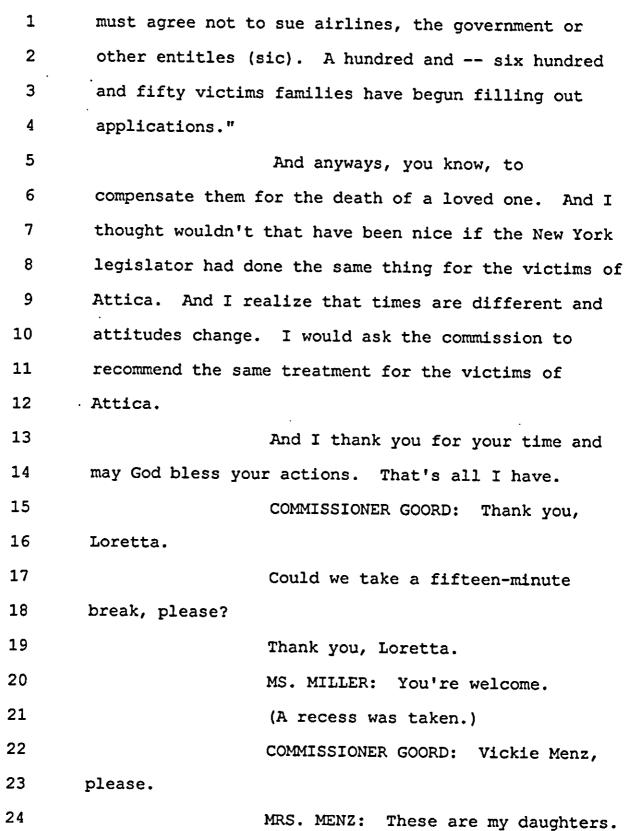


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"A check is sent soon after each

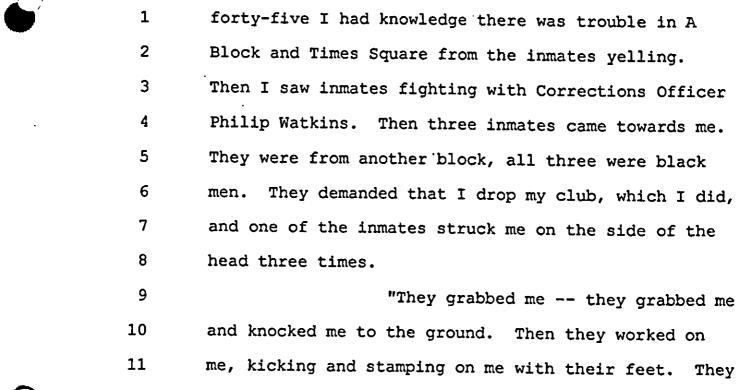
letter and to be eligible for the payments families



1	COMMISSIONER GOORD: Good
2	afternoon.
3	MS. MENZ: Afternoon.
4	COMMISSIONER GOORD: Thank you for
5	agreeing to speak to us today.
6	MRS. MENZ: Thank you for inviting
7	us.
8	COMMISSIONER GOORD: You're
9	welcome.
10	MRS. MENZ: I'd like to start with
11	a statement that my father gave to investigators on
12	September 13th that came to the house, that
13	afternoon. So, I'm going to start with that.
14	My name is Vickie Menz, V-I-C-K-I-E
15	M-E-N-Z and I live in West Henrietta.
16	This is Sept 13th, 1971 at four
17	fifteen. Arthur James Smith, age forty-four, 147
18	Main Street, Attica, New York, occupation
19	correctional officer, Attica Correctional Facility,
20	Attica, New York, being duly sworn, deposes and says:
21	(Reading) "On the day of the initial
22	revolt I was in D Block yard assigned to the toilet,
23	a glamorous job.
24	"At about eight forty, eight

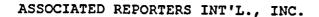






me, kicking and stamping on me with their feet. They . took me into the tunnel through the yard. After a 12 while inside the tunnel they started to take me 13 14 towards center square, when one of the D Block inmates took charge of me. This inmate, Curly 15 Roberts, took me to Forty-three Company. Roberts, 16 James Taylor, Rego, Ramillard, Joe Walls and Joley 17 18 Klein (phonetic spellings) stashed me in a cell. 19 "I was in Jim Taylor's cell and I 20 put on one of his shirts. I was in the cell originally in a bunk and I was unconscious for 21 periods of time. That same morning the inmates 22 advised me to get under the bunk, which I did. I 23

stayed there until the next day, about twenty-four



1	hours, when the inmates said they thought it best
2	that I and John Stockholm (phonetic spelling) who had
3	also been hidden, leave for our own for the
4	inmates protection and that they didn't believe the
5	riot would last much longer.
6	"John and I left and moved to the
7	gallery and were taken prisoner. When captured, we
8	were taken to Forty-four Company. I was frisked and
9	had my wallet, badge holder, fingernail clipper,
10	utility knife, belt and watch taken from me. I was
11	then brought up to the head of the gallery,
12	blindfolded and escorted to the hostage area in D
13	Block. We stayed in this area the whole time.
14	"This morning, September 13th,
15	1971, they woke us up about six a.m. and they read
16	the second statement of Mr. Aswell's. After they
L 7	read the statement the inmates had a meeting oh,
L8	made a typo here and they decided to fight.
19	Shortly after this they blindfolded me and sat us in
20	the hostage area and then after a short period of
?1	time they called for hostages.
2	"I was moved from the compound,
:3	where my hands were bound, to another area of the
4	vard where I was told that I was standing in an area



l of ga	asoline and	would be	pushed	into	an	area	of	fire
---------	-------------	----------	--------	------	----	------	----	------

- 2 I could smell the gasoline. I was then moved from
- 3 this area to the south side of the hostage compound
- 4 where there were trenches filled with gasoline,
- 5 kerosene or a mixture.
- 6 "After they took me from the
- 7 hostage area they bound my hands behind my back with
- 8 cloth. I slipped down into the trench. They yanked
- me out and removed me from the yard to center square
- 10 upstairs.
- 11 "While on top of the tunnel there
- · were two inmates holding me, one with a knife, and
- the other with a razor blade. I believed these
- inmates were from B Block as they talked about the
- 15 metal shop. One was a southerner using the word
- 16 cracker a lot. While they were holding me they made
- verbal abuse and kept threatening to kill me. I was
- up on top maybe fifteen minutes or longer. Then the
- 19 helicopters buzzed over.
- The executioner sat me down on a
- 21 bench next to an unknown hostage and told me that
- 22 when the first shot was fired I would be dead. One
- 23 was going to slash my throat, and the other was going
- 24 to stab me.



1	"All of a sudden the helicopter
2	made another low sweep. It seemed like a thousand
3	explosions with the aroma of tear gas. I fell to the
4	top of the tunnel floor, shook my blindfold off and
5	looked around. I saw several state troopers coming
6	towards the area. Then they escorted me out of the
7	building."
8	My father was a man of few words.
9	I'm going to read the testimony of
10	my brother now. He lives in Sherburne, New York.
11	It's Allen James Smith.
12	(Reading) "My name is A.J. Smith,
13	son of deceased former hostage Arthur Smith. My
14	father began his career as a New York State
15	Corrections Officer in January of '52. His first
16	assignment was at Woodburn Correctional Facility
.17	where he remained until his transfer to Attica in
18	1953. He remained in Attica until he retired in
19	1979, having worked more than twenty-seven and a half
20	years as a corrections officer.
21	"For over ten years prior to the
22	riot he had a part in producing, directing and
23	organizing the annual prison variety show. This
24	event was held around Christmas time for the inmate



1	population and a few outside guests. Author and
2	reporter Jimmy Breslin had been to the show and
3	reported on it. The variety show was the lighter
4	side of Attica that no one hears about. My father
5	enjoyed working with the inmates on their skits and
6	musical numbers. He would often return to work after
7	dinner on his own time to ensure that the show would
8	go on.
_	

"I distinctly remember certain
things about the first day of the riot. My father
almost didn't go to work that day as he was so tired
from me running into his and my mother's bedroom all
night long. I couldn't sleep because Thursday was
going to be my first day at kindergarten.

"I remember being escorted home by a neighbor after school began. As we walked the sirens wailed through town. As each member of my family arrived they ran to my mother and started crying. I couldn't get a word in edgewise as they stood around the radio in the kitchen. I remember thinking they were crying because I had done something bad. Because he usually did, see.

23 "Although I didn't know it at the 24 time, everyone was gathered around the radio

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1 listening for details concerning my father and the 2 other state employees who went to work that morning. 3 Not knowing if my father was safe, there was cause 4 for alarm. There had been a report that there was a fire in the chapel and that an officers cap had been 6 discovered burnt up there and that was disturbing 7 because my father had worked in the chapel. 8 "The video footage of the assault on September 13th clearly shows two inmate 9 10 executioners positioned behind my father. They were 11 both smiling as one runs a knife-like object up and 12 . · down his neck. Seconds later tear gas is dropped and 13 bullets fly in every direction. My father was one of 14 the lucky ones who survived with only a bullet 15 grazing his knee. 16 "I was upstairs with the neighbors 17 that day when they said to me, A.J., your dad is 18 home. And I said, no, he's not, my father is dead. 19 When I saw him I remember looking at the bearded 20 haggard man with two black eyes and saying that's not 21 my father. "I can't tell you how many people have 22 told me that my father was a different man before the riot. Unfortunately I really don't remember him. 23 know that afterwards he couldn't be around more than 24



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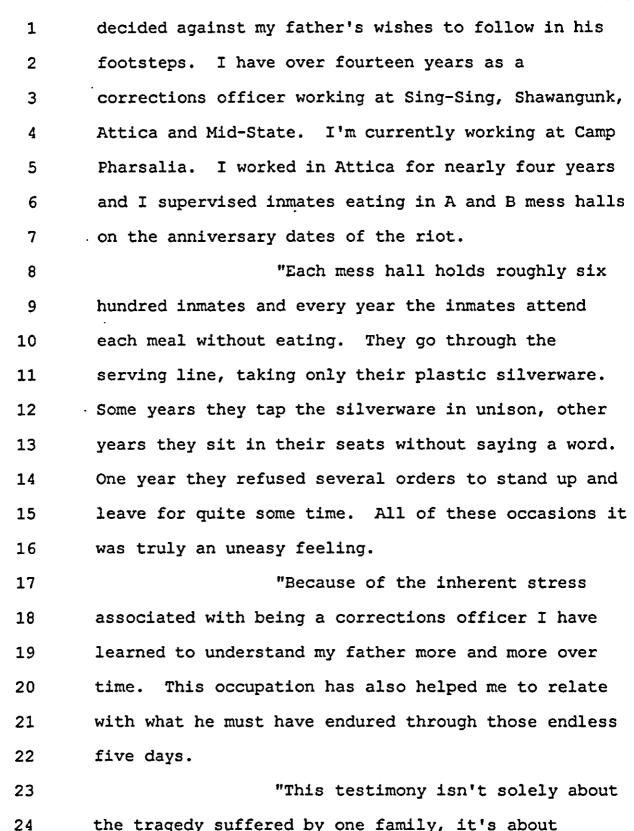
1	a couple of people at a time and his hands would
2	shake when eating in public. He could never have
3	gone into a large shopping mall. He suffered
4 .	emotionally and psychologically from the events which
5	took place down the during the riot.
6	"Imagine going to the funeral home,

"Imagine going to the funeral home, two houses down the street, and seeing all your friends and coworkers dead, especially since you had spent the past five days together, your lives hanging on the words and actions of others.

"Anyone who knew my father knew he 11 · was a man of very few words. The word riot was 12 banned in our house for many years. When he finally 13 did talk about it, it was painful for him to talk of 14 his time in the hostage circle. I can only imagine 15 how helpless he and the other hostages felt as they 16 sat blindfolded silently listening as their fate was 17 18 hashed over between prison officials, observers and convicted felons. 19

"He told me many times that he wrote himself off as dead there in the hostage circle. He was convinced he would never see his family again.

24 "After an attempt at college I



1	justice long overdue. Anyone who knows anything
2	about criminal justice can tell you that the Attica
3	uprising created more prison reform than any other
4	action. Even today Attica Correctional Facility in
5	New York State Department of Corrections are the
6	standard by which all other correctional institutions
7	are measured.
8	"Inmates across the world enjoy
9	more legal rights, more recreation time, greater
10	religious freedom and better programs because of the
11	reform inspired from Attica. The name Attica has
12	· become synonymous with injustice as far as the
13	forgotten victims of Attica are concerned. No one
14	was ever convicted or charged for the crimes which
15	took place in Attica during the uprising and assault.
16	"To make matters worse a few years
17	ago a judge awarded the inmates responsible for the
18	uprising a twelve-million-dollar judgment. This was
19	an outrage to the forgotten victims of Attica. The
20	State employees who were held hostage and their
21	families were told that this is what happens when you
22	take a check from Workman's Compensation.
23	"In conclusion the Committee needs
24	to bring closure to our families by allowing our



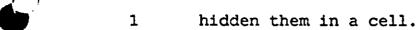
1	group access to air state records associated with the
2	riot, by allowing us our own annual ceremony, by
3	having the State issue an apology, by getting
4	counseling for those that wish it, and by granting
5	each family a financial settlement. The State
6	Committee should consider a settlement worthy of the
7	suffering endured by each employee and their
8	individual family members since the uprising."
9	Now me. My family moved to Attica
10	when I was two years old. My father's job had always
11	been that of a corrections officer. Other people
12	think it's a strange occupation, but not in Attica
13	where it's the biggest employer.
14	I have a lot of prison connections
15	in my family. My uncle was the assistant warden,
16	called the principle keeper for several years. He
17	lived in the house right next to the warden's. His
18	first wife died of cancer, his second wife was the
19	warden of the Albion Prison.
20	When my uncle's first wife died my
21	mother would go up to the house to clean for him and
22	would often take my sister and I with her. My uncle
23	had two inmates that stayed on the grounds during the

day. They took care of my uncle's hunting dogs,

1	pheasants, et cetera. These two men went out of
2	their way to be nice to my sister and I and once
3	saved their money and bought us a whole box of candy
4	bars. Anybody who knows me, believe me, that made a
5	big impression on me.
6	As the years passed the inmate
7	population in Attica increased and the inmates
8	attitudes changed as well. I remember my uncle once
9	saying that it doesn't matter how much money you
10	spend on an inmate's rehabilitation if he has no
11	desire to be rehabilitated. The prisoners at Attica
12	were becoming an angry militant breed.
13	September of 1971 is a time that I
14	will never forget. I was newly married and living in
15	Rochester when my husband heard the news about the
16	riot on the radio. He called my mother to see what
17	she knew. She was so upset he she did not know
18	who he was. When she said he said this is Roger
19	she said Roger who. And he said the Roger that
20	married your daughter a few months ago.
21	She had been canning tomatoes when
22	she heard the siren and she knew right away that it
23	meant big trouble. She took all the boiling water,

all the tomatoes, just threw everything away and just

- 1 sat by the radio.
- 2 My father had told her there was a
- 3 lot of unrest at the prison and he was afraid trouble
- 4 was coming. So, my husband called me at work and
- 5 told me and he came and got me. I went to tell my
- 6 supervisor why I had to leave and I started crying so
- 7 hard I couldn't even say why I had to leave. So, we
- 8 drove to Attica. My father's mother and her husband
- 9 came from Buffalo.
- 10 My brother was at school and my
- 11 sister was on vacation in New England. We had no way
- 12 to reach her. We had to wait for at least a full day
- or two before they happened to see a newspaper. They
- called home and she said, dad isn't a hostage is he
- and we said, yes, he is. So, they drove all the way
- through to come there to be with us.
- 17 The first evening we received a
- 18 call from the prison chaplain confirming our fears.
- 19 He said that our father was a hostage, but that all
- 20 the hostages had blankets and were fine. We found
- 21 out much later that this was a lie. No one knew
- 22 where my father was at that time. He and another
- guard, John Stockholm had been taken by inmates,
- 24 trying to save them from more beatings. They had



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2 When the rioting inmates heard the 3 news reports of how many hostages there were they 4 realized they were missing two people. So, the 5 inmates that had hidden John and my father went and 6 got them from the cell. They apologized for having 7 to turn them over, but they knew they would be killed if the other inmates knew that they had been trying 8 9 to protect guards. The helpful inmates had figured 10 the authorities would regain control the first day 11 and that they could hide John and my father until 12 · that time. 13 The following days were all the

same. We spent the days waiting for news reports that would bring us some hope. We looked at the reports on T.V. to see if we could see my father's face. During all this time we had no calls or visits from anyone connected with the prison or the state. We were left on our own to imagine the worst. We kept thinking of the fact that my father had always had Thursday's as his day off. The prison had just recently changed to a different system for days off.

23 My mother wouldn't sleep in her 24 bed. She said I've never slept in that bed without

Τ.	your lather before and 1 m not about to start now.
2	We felt guilty even thinking about sleeping when dad
3	was outside day and night, especially when it was
4	raining. Relatives called, friends and neighbors
5	brought food. It was like a wake without a body.
6	There was a water shortage in town
7	due to the fires at the prison so we drove back to
8	Rochester to shower and get more clothes. We had no
9	idea how long we were going to be in Attica.
10	Saturday and Sunday our town was
11	filled with sightseers. Even though we lived on Main
12	Street we didn't get much traffic even on Main Street
13	in Attica, but it was bumper to bumper traffic up and
14	down those streets. It was disgusting with people
15	just and they couldn't get near the prison, but
16	they were just so anxious to come to our town and
1.7	stare at us. It was it was horrible.
18	We learned we worried about all
19	the hostages as we knew so many of them. Don
20	Elameter (phonetic spelling) was my date for the
21	senior ball. John Stockholm and Ron Kowalski
22	graduated with my sister. Bob Curtis' daughter was
23	in my graduating class. Mr. Croce's (phonetic
24	spelling) wife had been by my favorite teacher and

	1	Billy Quinn had been our paper boy. In a small town
	2	like Attica you know everyone.
	3	We sent telegrams to Governor
	4	Rockefeller and were disappointed by his lack of
	5	interest and sensitivity to this event. He was one
	6	of the most unpopular people in Attica for years to
	7	come.
	8	On Monday, the sound of the
	9	helicopters was deafening. We all knew something was
	10	about to happen, so we sent my five year old brother
	11	up to the neighbors. We had not told him the truth
Ω	12	during this whole ordeal. We just kept saying that
	13	dad has to work, there's trouble at the prison. He's
	14	just staying there to help. But somehow he had
	15	figured out what was really going on.
	16	This part I'll never forget. After
	17	the shooting a reporter came on the radio and said
	18	all of the hostages are dead. It seemed like forever
	19	before somebody else came on and said no, we don't
	20	know that for sure, but we had heard it and we
	21	figured it was true.
	22	Later the phone rang and the caller

23 who we never found out who it was, we think it was

somebody from town, said they just brought Art out,

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1	he's okay. It couldn't have been a prison official
2	as they didn't identify themselves. We still didn't
3	believe it, so we waited for the news on the radio.
4	First they listed all those taken to Genesee Memorial
5	and then to St. Jerome's. The last hospital listed
6	was Warsaw and the last name read was Arthur Smith,
7	treated and released.
8	We all started crying and hugging
9	each other. He was dropped off at the house by
10	Stockholms and looked very weary. My sister went to
11	hug him and he said don't hug me, I hurt. Let's just
12	get inside. Once inside he showed us the full
13	imprint of a shoe and his upper torso from the severe
14	beatings he suffered on the 9th.
15	He wanted to know the status of the
16	other hostages as he had no idea that so many had
17	been killed. It was hard for us to be so happy when
18	we knew that other families weren't as lucky.
19	Two men from the State came to the
20	house on the 13th to take dad's statement. He asked
21	all of us to read it so that he wouldn't have to tell
22	it more than once. He said we would all read it and
23	we would talk about it that day and that we would

never talk about it again. He spoke of the Muslims

protecting the hostage circle. He commented on how 1 2 surprised the hostages were that the State didn't come in right away. He said that the longer it went 3 on, the more time there was for weapons to be made 4 and for the inmates to get organized. 5 6 He felt if the State had come in the first or second day things wouldn't have been as 7 bad. He said of how the first day when it started he 8 9 was an arm's length away from other corrections officers, that he could see them and he went running 10 up there, but that the inmates got to him -- he said 11 he was from me to you away, but he couldn't make it 12 13 to safety. And he also spoke of how he was sure he 14 was going to die. 15 Reporters kept coming to the house, 16 but my father refused to talk to them and so did we. 17 Again, no calls or visits from any State prison --18 State or prison officials. However, my high school 19 principal took the time to come to our house and the 20 houses of others that he knew. And I personally remember this. My high school principal used to play 21 football for the Giants. A huge man. And he walked 22 in and my brother being five, looked at him and said, 23

"Wow, you're a big man." And he said, no, A.J., he

1	says, your father and these other men are the big
2	men. I've never forgotten that.
3	The following day when the news
4	broke about how the hostages had died my family was
5	angry at the media. We thought that's not true, why
6	would they say such a terrible thing. When we
7	realized the hostages had actually died from bullets
8	and not knife wounds, we didn't know what to think.
9	It was so much easier to place the blame for the
10	deaths on the inmates. Now, we wondered why the
11	state had lied about the deaths in the first place.
12	My father had always directed the
13	shows at the prison. He loved connecting with the
14	inmates about music. He also had worked in the
15	chapel and showed movies on Sunday's. He used to
16	tease us about how the prisoners ate had a better
17	Sunday than we did, how they'd have a great big meal
18	with dessert and movies and then he'd come home and
19	say, gee, our our dinner wasn't as good as what
20	they all had today.
21	He must have been well liked as
22	several inmates called and wrote letters after the
23	riot. They expressed their concern about him and
24	wanted to tell him how glad they were that he had

1	survived. Once when he came to visit me in Rochester
2	we then went and visited an inmate and his family.
3	And after he died I found letters that he had saved
4	that inmates had sent before the riot, letters after
5	they had been released, that they kept in touch with
6	him.
7	When he went back to work he took a
8	job in the tower. He said he he would never set
9	foot in the prison again. He gave up one of the
10	things that he and anyone else enjoys in their job,
11	interaction with others. But he was one of the lucky
12 .	ones. Number one, he had survived, number two, he
13	had enough time between his years in the Navy and his
14	years as a corrections officer to get a job outside
15	the prison walls. Even when they rededicated the
16	chapel after fixing the damage done by the fires, he
17	was invited to attend, but he would not go.
18	One day when he was on duty in the
19	tower he saw a bus load of inmates going out and
20	recognized one of the men who had beaten him. He
21	said it took every ounce of restraint I had not to
22	pick up my rifle and shoot that bastard.
23	After the riot my father didn't

like to be anyplace that was crowded. He never

- wanted to have his back to people. His drinking
 increased significantly. He also wouldn't eat food
 cooked outside as the smell reminded him of all the
 fires during those five days.
- 5 Because I was living in Rochester I wasn't there to see other day to day problems, plus 6 7 my father was never one to vocalize his feelings. 8 remember an incident afterwards, I was working in 9 downtown Rochester and one day after work I walked over to Sibley's downtown. There was a large group 10 11 of protesters chanting, end slave labor, free Attica 12 prison.
- 13 I marched up to a young woman about 14 my age and said I had some questions for her. She 15 was so glad that I was interested in their cause. asked her if her father was alive and did she love 16 him and she said of course. I said, well, how would 17 you feel if a group of men beat your father until he 18 19 was unconscious. She said, well, I wouldn't like 20 that. And I said, well, the men that you want to set free did that to my father. And unless you want them 21 22 to live next door to you, maybe you ought to think 23 more about what you're protesting.
- 24 My father and the other hostages



went to court over and over again in their quest for
justice. They were sure that some day the state of
New York would recognize the injustices that had been
done to them. He told me before his death that he
still thought something might come of this and that
the fight wasn't over yet.

When they made the H.B.O. movie

about the riot they were going to show it in my

daughter's social studies class at Rush Henrietta.

The teacher asked if anyone had any objections. My

daughter explained that her grandfather had been a

hostage and she didn't want to see the film, so they

did not show it.

14 My nephew contributed to a recent 15 book titled Emergency Nine One One, done by 16 cartoonist's throughout the nation about their 17 recollections and reactions to the events of September 11th. My nephew's story talks about how --18 19 how September has never been a happy time for our family and he paralled the events of September 11th 20 with those that took place in Attica during the riot. 21 He closes his story by telling of the huge floral 22 arrangement at my father's funeral that was sent by 23 24 an ex-inmate.



1	To this day I cannot hear a
2	helicopter without my mind going back to that day. I
3	will not watch movies about prisons. People say see
4	Shawshank Redemption, great movie. No. Did you see
5	Green Mile? You really got to see that. No. Do you
6	watch Oz, that H.B.O. show? No.
7	Every time there's a special on
8	T.V. about the riot I have nightmares. I can't
9	imagine what the hostages and families that lost
10	their loved ones must go through. I used to be so
11	proud of where I grew up. I loved living in a small
12	town where you could walk everywhere and know
13	everyone. But after having so many people make jokes
14	I started saying that I grew up in Batavia.
15	My father was diagnosed with
16	prostate cancer and underwent surgery in April of '95
17	at Genesee Memorial Hospital. When the surgeon, Dr.
18	Parker, came out to talk to me, he asked if it was
19	true that my father had been a hostage in the prison
20	riot. I thought this is a strange time for him to be
21	asking me this. And I said, well, yes, it's true.
22	And he said that he was unable to remove the cancer
23	in my father because of the deep internal bruising
24	and scarring he had suffered from the beatings on

1	September 9th.
2	The doctor said that the cancer was
3	stuck like tar and that was why the surgery had taken
4	so long and that he was sorry, but they could not
5	remove it. My father died on the day after
6	Christmas, eight months later.
7	I have to wonder about the
8	treatment that he received at the hospital on
9	September 13th. Were x-rays taken of the area where
10	he was beaten. Could his death at the age of
11	sixty-eight have been prevented.
12	I would like to thank the task
13	force for finally allowing us to tell our stories.
14	We have all waited a very long time. I was envious
15	when the inmates came to Rochester and got to tell
16	their stories and how they all said that it made them
17	feel better. I think it's a sad commentary on our
18	society that the inmates got better treatment in the
19	court system than we did.
20	When I tell people at work about my
21	story they can't believe that the inmates got a
22	twelve-million-dollar settlement. And they all say
23	to me, didn't they start it. I said, yes, I know.

The one good thing that has come of

1 the inmates trial was the formation of the Forgotten Victims of Attica. Through this group I have met 2 and/or become reacquainted with an amazing group of 3 people sharing a tragic bond. Their stories of how 4 5 they were treated by the State are unbelievable and I 6 admire everyone in the group. 7 Even though I have lived with the stories of the riot and was old enough to remember 8 9 everything, I still find out stuff that just blows me 10 away. The fact that a fourteen year old daughter 11 gets told that her father is killed, the fact that 12 . Andark Angelo (phonetic spelling), her payment with a 13 three-month-old baby was one-third of what I was 14 making at the time and I had my husband's income and 15 no kids and we could hardly pay our bills. And she was offered this paltry sum. I -- I don't know how 16 she survived. I really don't. 17 18 The fact about Fred Miller that 19 Mrs. Fargo talked about today was such a severe head 20 injury and having to fight so hard to get 21 compensation and to be qualified as disabled. 22 still -- it just goes on and on, these stories. 23 I feel that the state of New York 24 owes the Forgotten Victims of Attica an apology and



1	it's long overdue and necessary, even if it is
2	unprecedented. I know that the State is very
3	reluctant to do this, but they should remember that
4	the general public is very forgiving when big
5	corporations and government officials admit they made
6	a mistake and show remorse.

7 Counseling for hostages and their 8 family members wouldn't even be an issue if this were to happen today. It would be done instantly because 9 it's necessary. Nowadays counselors are immediately 10 11 brought in to schools and workplaces whenever 12 anything traumatic happens. We have years of 13 suffering that need to be undone, please do it right by providing long overdue counseling by professionals 14 15 qualified to deal with trauma survivors.

I believe the Forgotten Victims of

Attica have a right to conduct their own memorial

service every September 13th. These are our loved

ones and we should be able to honor them as we

choose.

I would like to thank you,

Commissioner Goord, for allowing us to do this while

you have been in office.

I believe that those families





1	wishing to do so should have access to the records
2	relating to the riot. I believe that compensation is
3	long overdue and justified.

Linda Jones was awarded one million 4 dollar in her court battle and we all read cases 5 every day where large amounts of money are awarded 6 for injuries much less severe than those suffered by 7 our loved ones. Both guards and civilian employees 8 who were killed as the direct result of their job got 9 no more than if they had died in a car accident on 10 their day off. 11

It is time for the state of New 12 York to take some responsibility for what happened in 13 Attica in 1971 and what hasn't happened since. Our 14 loved ones went off to do their job one day and some 15 of them never came home. Those that did have never 16 been the same. Families that lost husbands, 17 brothers, sons, fathers, have been burdened with 18 sadness and bitterness that we would never wish on 19 anyone else. It is time to right all of these wrongs 20 while some of the survivors are still here to 21 appreciate it. 22

23 Thank you.

24 COMMISSIONER GOORD: Thank you,

1 very much. Thank you, very much. 2 3 That will conclude our hearing for 4 today. I don't know who to ask. We're supposed to start tomorrow with Mrs. Van Son and Mrs. Townsend. 5 6 Are you here today? 7 We'd like to start at nine-thirty 8 tomorrow. Do you think they could be here then? 9 UNIDENTIFIED SPEAKER: I can give 10 them a call tonight. 11 COMMISSIONER GOORD: Or is there 12 anybody else that -- we'd like -- just like to get 13 started a little earlier. 14 UNIDENTIFIED SPEAKER: Yeah, I'm 15 sure. 16 COMMISSIONER GOORD: Okay. Talk to 17 Ed and he'll give you a cell phone number, you can tell him. 18 19 UNIDENTIFIED SPEAKER: Okay. 20 COMMISSIONER GOORD: Thank you very 21 much. 22 Well, I don't know how to do this 23 now. If they can't -- should we figure on being

here -- we'll be here at nine-thirty.

1		UNIDE	ENTIFIED	SPEAKER	TWO:	We'll	be
2	here at nine-thir	ty.					
3	•	COMMI	SSIONER	GOORD:	Okay.	Okay	•
4	Thank you.						
5		(The	hearing	conclud	ed at	3:12	
6	p.m.)						
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1	STATE OF NEW YORK
2	I, Michael Sanborn, 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 through 143, inclusive, was
8	prepared under my supervision and is a true record of
9	all proceedings had at the hearing.
10	IN WITNESS WHEREOF, I have hereunto
11	subscribed my name, this theday of
12	August, 2002.
13 14	Number Bon Down Doc
15	Michael Sanborn
16	State of New York
17	
18	
19	
20	
21.	
22	
23	
24	



able 9:19,21 10:7,11 14:24 15:3 18:9 30:3 54:16 56:18 69:21 76:10 110:10 140:19 about 11:24 13:11 14:14,21 16:24 17:1 18:7 19:2 20:22 21:2,15,17 23:2 25:14 27:10 28:15,23 34:2 34:7 38:8 42:16,19 48:12,13 52:10 54:16 59:12 60:7 65:10 69:18 75:17 76:22 77:11,23 84:9 85:12 86:2 88:2,5,5,16 90:14,16 91:24 92:15,24 96:5 98:22 99:12 104:21,24 105:1,4,17 106:11,19 106:20 108:8 109:2,14 111:3,9 112:7 115:24 116:24 117:15 118:14 120:4,10 122:14 123:23 123:24 124:2 126:15 129:1,2,18 130:10 131:23,24 133:4,11,14 133:16,23 135:13,23 136:8,16 136:18 137:3,8 138:7,20 139:18 139:19 above 4:6 absolutely 25:10 89:4,10 90:18 abuse 118:17 academy 27:18 59:3 accept 30:13 31:1 69:20 accepted 27:18 86:13 113:6 accepting 113:9 access 125:1 141:1 accessible 15:7 accident 141:10 accurate 76:10 acknowledge 94:21 113:8 across 68:14 93:12 124:8 act 101:1 acted 89:20 action 124:4 actions 14:17 114:14 122:10 active 6:23 82:24 acts 40:9 actually 19:3 73:23 81:13 82:10 133:7 add 56:24 109:20 Added 37:12 addition 76:2

administration 59:9 64:4.23 admire 139:6 admit 14:17 140:5 Adrian's 78:14 adult 6:5 12:21 15:21 23:20 90:21 adulthood 91:6 advantage 22:23 advice 57:8 advised 116:23 affected 110:5 111:24 112:1 afraid 33:7 36:19 42:21 78:7 80:3 81:19,20 83:18 84:12 85:5 127:3 after 6:11 7:16 9:23 13:8,24 14:14 18:7,15 20:17 24:1,14 26:23 32:23 34:7 36:16,22 39:15,24 40:15 42:9,10,16 43:18 44:17 45:5 49:6,22 50:3,6 53:12,19 54:2 56:4,15 59:21 60:14 62:1 69:13,15,24 70:1,1 72:3 73:21 79:3,3 85:13,17 86:23 87:5 88:3 90:22 95:11 98:4 104:16 108:24 111:9 113:13.23 116:12 117:16 117:19,20 118:6 120:6,16 122:24 130:16 133:22 134:3.4 134:16.23 135:9 137:13 138:5 afternoon 8:1 23:21 58:10,12,13 58:16 68:2 75:7 80:2 115:2,3,13 afterward 45:8 afterwards 20:16 121:24 135:8 again 33:8 35:2 36:22 45:5 47:4 49:3 53:19 56:8 58:6 64:12 77:9 78:12 82:3 83:2 122:23 131:24 132:17 134:9 136:1 against 17:18 86:10 123:1 age 47:14 97:11.12 115:17 135:14 138:10 ago 28:3 95:4 100:13 103:17 112:7 124:17 126:20 agony 95:13 agree 114:1 agreeing 115:5 agreement 20:2 ahead 32:20 62:18 69:14 73:14 aid 38:21 66:18,20 67:19 airlines 114:1 aisle 99:4

alarm 121:4

Albany 73:5 Albion 125:19 alcohol 21:19,20 22:4 26:20 111:14 alcoholic 87:6 89:19 103:16 alcoholism 97:17 100:12 alcohol-induced 76:21 alert 48:15 Alexander 88:24 alike 49:8 alive 6:10 12:5 16:17 23:12 29:18 34:13 70:16 85:12 99:8 106:3 135:16 Allen 119:11 allowed 17:16 19:22 20:8 82:2 84:1 95:21.22 allowing 124:24 125:2 138:13 140:22 allows 21:12 almost 39:21 66:13 81:21 120:11 alone 16:4 63:2 along 100:8 altered 76:12 alternative 97:22 Although 120:23 always 22:19 41:1 61:9 83:9 88:5 91:4 94:16 102:15 105:8 125:10 128:20 133:12 Al-Anon 90:14 amazed 45:24 amazing 80:22 139:3 amazingly 99:15 Amber 96:3.9 99:11 ambulance 49:9 69:1 ambulances 49:14 among 78:5 107:19 amount 10:16,21 29:11 31:18 amounts 41:21 141:6 Andark 139:12 and/or 139:3 Angelo 139:12 anger 14:7 88:1 95:9 111:8 angry 104:18 126:12 133:5 annals 98:11 anniversaries 13:13 anniversary 19:8 123:7 announce 5:14



additional 56:1



announced 39:1,2 99:24 announcement 6:7 announcer 3:22 annual 119:23 125:2 anonymity 113:20 another 6:18 7:6,15 13:1 33:19 34:15 36:7 42:23 45:13 46:2 51:5 67:12 109:2 112:14 116:5 117:23 119:2 127:22 answer 15:8,9 81:11 answered 12:18 answering 50:8 109:11 answers 19:5 anticipation 48:11 anxiety 14:10 53:17 anxious 50:19 129:16 anybody 25:20 26:5 64:11 74:11 90:13 126:4 142:12 anybody's 110:12 anymore 5:12 22:9 23:19 29:3 33:8 45:21 66:9 111:13 anyone 22:17 57:9 70:24 98:21 122:11 124:1 128:18 134:10 136:10 141:20 anyplace 134:24 anything 3:14 10:8 17:1 18:3,4 25:14 56:19 57:11 64:19 76:8 79:21 80:5 81:9 87:1 91:5 105:17 106:24 110:1 124:1 140:12 anytime 43:7 anyway 37:4 41:15 43:14 45:22 63:4 66:5 92:23 anyways 104:4 114:5 anywhere 67:18 apart 109:15 apologize 28:6 70:21 apologized 128:6 apology 9:4,6,6,7,13 14:15 16:13 16:14 24:20 27:24 41:11 95:3,6 125:3 139:24 apparent 11:10 apparently 92:24 applications 114:4 appreciate 95:1 141:22 approaching 97:12

approve 13:15 April 58:20 137:16 Ardith 2:15.21 3:1 area 48:4 61:20 66:18,20 67:14,19 117:12,13,20,23,24 118:1,3,7 119:6 138:9 arm 9:18 arms 80:13 Army 49:14.14 arm's 132:9 aroma 119:3 around 19:8.14 28:19 34:20 40:5 48:19 49:5 54:6 65:8 67:21 98:6 100:20 103:6,12 104:8 119:5,24 120:20,24 121:24 arrangement 136:23 arrangements 6:15,19 97:22 arrive 39:8 arrived 120:18 Art 130:24 arthritis 51:21 104:12 Arthur 1:12 2:6 115:17 119:13 131:6 article 57:13 92:1 113:1 artist 99:22.23 ashamed 94:6 aside 7:17 asked 5:18 11:7 13:7 17:7,12 20:13 43:10 47:11 68:20 78:16 79:14 108:1 131:20 135:16 136:10 137:18 asking 3:15 6:5 24:21 93:13 137:21 asleep 92:15 assault 40:11 121:8 124:15 Assembly 1:12,13 Assemblyman 2:4,5 56:5 assets 98:2 assigned 43:14 60:13 115:22 assignment 119:16 assignments 60:15 assist 35:12 assistant 125:15 associated 123:18 125:1 association 13:12 assurance 93:7 assure 36:5

Aswell's 117:16 ate 23:17 87:9 92:11 133:16 Atlanta 57:14 attack 113:6 attacked 35:9,14 91:22 attempt 57:17 90:20 96:1 122:24 attempted 50:1 attend 52:17 123:9 134:17 attended 10:7 attending 3:7 attention 11:1 attentive 72:18 attica 1:3,4 2:8 3:3,4,8,11 11:22 11:23 12:11 13:10,18,23,24 14:2 14:4 18:16 19:1 24:23 27:6 28:15 44:17 45:12 54:4,21 59:4 59:5,7,14,17 65:12 69:17 70:9 70:12 76:1 77:13,16,19,23 79:16 85:19 86:4 92:1,16 95:21 96:10 97:2 98:10,11,15 101:2 104:21 104:23 105:14,20 106:19 107:23 108:3 114:9,12 115:18,19,20 119:17,18 120:4 123:4,5 124:2,4 124:11,11,13,15,19 125:9,12 126:7,11 127:8 129:9,13 130:2,6 135:11 136:21 139:2,24 140:17 141:14 attitudes 114:10 126:8 **Aubrey** 99:23 aubry 1:13 44:1,7,9,14,16,20,23 45:1,5,9 71:16,19,23 72:4 73:15 73:19 74:4,13,16,21 Auburn 58:17 59:5,11,24 77:15 Auditorium 1:8 Audry 2:4 August 1:9 144:12 aunt 3:6 104:11 aunts 5:7 108:15 aunt's 81:7 Australia 88:6,9,10,12,17,23 Author 120:1 authorities 102:7 128:10 authorized 42:8 auto 80:24 autopsies 29:20 autopsy 7:15 9:20 10:5 11:17 13:1 18:6,9,10 46:7



appropriate 111:18



available 10:13 15:4 avid 11:17 award 26:14 113:7,21 awarded 10:17 113:15 124:17 141:4,6 awarding 10:20 awards 10:19 96:21 away 4:6 12:24 15:20 20:20,21,24 22:4,5 24:2 26:19,20 29:12 59:23 63:15,16,18 66:12 68:5 70:15 92:2 95:10 102:16,19 103:9 107:10 110:8,15 126:22 126:24 132:3,9,12 139:10 awesome 77:1 90:24 99:23 awful 82:4 83:11 84:6 91:18 102:22 109:13 A's 89:21 A.J 119:12 121:17 132:24 a.m 1:9 31:14 35:3 59:22 60:2,6 117:15

B 36:10,10 118:14 123:6 babies 90:24 99:6 baby 139:13 back 5:19 6:7 7:6,14,21 8:4 9:23 11:11 13:2 27:1,5 28:8,11 29:22 31:18,22 32:10,14,15 33:6,15 35:16 36:1 37:7 38:18 42:15 43:1 47:4 48:24 53:19 57:19 59:11,24 60:1 61:19 62:3,5,7,20 65:14 67:4,4,5,7,11,18,18,20 68:3,22 69:11 74:1 77:15,19 80:21 83:4 85:6,16 86:22 88:19 90:5,12 94:1 98:6 99:1 103:22 118:7 129:7 134:7 135:1 137:2 backs 36:12 102:24 bad 33:7 45:20 54:13 59:11,18,19 59:23 61:7,16,16,16,18 64:7 67:2 70:2,3 79:6,21 81:3 85:2,2 85:3 104:13 120:22 132:8 badge 117:9 baited 107:11 ball 129:21 band 67:24 89:22 bandaged 69:9 banned 14:5 122:13

banquets 26:13 Baptist 52:21 bar 8:20 barber 70:7 barefoot 82:6 barricade 66:10 barricaded 35:20 barricading 65:5 bars 26:21 65:7,9 66:6 126:4 basically 87:10 basis 29:13 57:10 basket 56:11 bastard 134:22 bat 103:12 Batavia 49:10 69:2 113:1 137:14 bath 98:10 battle 141:5 beard 84:14 bearded 121:19 heat 81:16 87:2 135:18 beaten 10:24 63:14 134:20 138:10 beating 62:16 beatings 127:24 131:14 137:24 beautiful 39:11 92:16 94:11 110:9 beauty 52:8 became 106:19 become 27:16 124:12 139:3 becomes 97:19 becoming 126:12 bed 65:6 66:5,6 93:4 128:24.24 bedroom 120:12 before 1:11 5:22 7:13 12:2 13:23 30:21 32:2 41:7 50:18 52:23 53:23 58:22 60:7,17 62:2 77:19 78:21 86:7 92:7 98:23 121:22 127:13 129:1 130:19 134:4 136:4 began 87:5,6 119:14 120:16 begged 82:1,2 beginning 55:8 58:1 106:14 begun 114:3 behalf 47:11 75:16 76:2,3 behavior 91:6 behind 18:20 20:11 28:15 32:6 36:12 38:4 59:13 63:23 81:13 102:23 110:10 118:7 121:10

being 7:5,12 10:21 11:17 12:13

24:18,19 25:18,19,20 36:19 48:14,17,18,21 49:22 55:6 62:23 70:10 78:14 79:19 81:6,19,20 82:11 86:3,23 87:2 88:15 91:10 91:17 94:6 95:14 99:20 102:24 104:5 107:10 115:20 120:15 123:18 132:23 142:23 beings 94:20 believe 10:10 15:3 18:2 22:7 24:7 24:22 45:16 95:17 102:10 106:5 117;4 126;4 131;3 138;21 140:16,24 141:2 believed 21:19 118:13 belt 65:8 117:10 bench 48:1 118:21 benefit 8:7 96:16 benefits 55:24 86:21 beside 61:11 Besides 36:6 56:21 best 56:14 57:10 86:9 90:24 94:17 112:7 117:1 betcha 75:4 better 65:19 66:23 80:1 84:16 108:21 124:10 133:16 138:17,18 between 29:5 51:18 56:12 122:18 134:13 Beyond 50:19 bicker 88:19 big 34:4 41:13 53:20 54:11 60:20 62:11 65:11 67:24 72:9,10,11 82:23 88:5,22 111:1 126:5,23 132:24 133:1,17 140:4 biggest 15:9 112:19 125:13 billion 41:23 billions 42:7 bills 56:16 139:15 Billy 130:1 binge 103:16 bingo 70:9 birth 90:22 birthday 8:19 19:8 99:22 bit 23:24 29:2 43:13 84:16 93:17 112:6 bits 85:18 86:11 bitter 27:21 bitterness 95:9 141:19 black 50:5 69:9 116:5 121:20





blade 118:13 blame 133:9 blank 111:15,16,16 blankets 127:20 blanks 111:19 bled 37:11 bleed 80:15 bleeding 32:19 37:1,7 45:20 67:11 bless 114:14 blind 34:22 36:8 37:15 blindfold 38:13 40:9 48:19 119:4 blindfolded 34:23 36:9,11,19 37:11 40:14 48:1 66:12 82:4 102:24 117:12,19 122:17 block 31:15 33:9 34:16,22 35:4.11 35:17 43:19,22 47:23 60:13 61:23 62:11 63:12,18,21,21 64:3 64:15 65:13 68:12,15,16,17 115:22 116:2,5,14 117:13 118:14 blood 32:19 35:12,15 63:9 64:7 65:14 66:15 67:3 98:10 bloodiest 13:22 bloody 33:3 blow 3:20 blows 139:9 blue 38:21 69:9 blueprint 69:14 blueprints 50:23 blur 81:5 85:18 board 103:5 Bob 39:22 129:22 body 7:1,3,7,13,20 11:7,9,13 18:10 46:3,11 53:10 129:5 bogart 58:9,10,14,17 68:19 69:6 71:15,18,21,24 72:8,10,12,14,16 72:19,22 73:2,4,8,11,18,22 74:5 74:15,19,22,24 75:1,4 **boiling 126:23** bomb 37:20 38:7 bombing 24:14 bond 139:4 bone 50:2 bones 97:15 book 98:9 136:15 bookmiller 2:15, 18, 20, 21 3:1

books 9:12 18:5,12 born 91:9 99:21 boss 107:4,20 bosses 106:24 both 11:12 35:14,16 45:19 79:18 80:12 87:2 102:5 103:3 112:21 121:11 141:8 bought 8:8 46:5 77:21 126:3 bound 7:5 102:23 117:23 118:7 box 29:23 35:21 60:20,20,20,21 61:9,10,14 126:3 boy 9:1 58:24 74:6 130:1 boyfriend 103:23 brain 24:13 51:15.15 brass 60:22 61:4 bravery 96:22 bread 104:8 break 3:5 46:23 58:4 63:1 114:18 breakdown 51:9 breakfast 32:5,10 35:6,8,14 breast 97:14 breath 107:11 breathy 84:21 breed 126:12 Breslin 120:2 brewing 105:20 brig 98:13 bring 66:2,16 77:3 99:1 124:24 128:15 bringing 87:11 107:13 broadcast 78:3 broke 33:16 34:20 47:18 104:7 105:7 133:4 broken 4:24 11:12 47:22 104:6 108:20 brother 5:6 6:18 7:1,3,24 17:14 25:16 101:19 102:1 103:3 104:4 104:23 107:21 108:5 111:7,13 111:24 112:2 119:10 127:10 130:10 132:23 brothers 6:16 110:20 111:4 141:18 brother-in-law 5:18 11:6 107:22

108:6

140:11

brought 7:14 13:2 53:12 66:19

92:4 117:11 129:5 130:24

Bruce 98:9 Brugner's 86:9 bruises 5:1 bruising 137:23 brunt 87:24 brutal 92:4 94:9 budgeted 56:16 Buffalo 127:9 building 3:4 9:2 59:10 64:4,23 119:7 bullet 10:2,3 83:17 85:12 121:14 bullets 46:18 83:1,12,13 121:13 133:7 bumper 129:13,13 bumps 5:1 bunch 34:10 bunk 116:21.23 burdened 141:18 Burgoyne 102:1 buried 7:23 21:2.5 burn 34:13 36:3 66:3 burned 48:10 burnt 121:6 bury 20:9 100:17 burying 20:23 bus 80:8,12,17,18 81:12 134:19 bush 81:14 business 90:19 businesses 13:10,20 busy 53:9 buzzed 118:19 B-O-O-K-M-I-L-L-E-R3:2



cabin 31:14
call 3:15 9:8 12:21 30:16,19 52:9
58:24 78:4 96:24 105:16 108:24
109:2,21 110:5,7 127:18 142:10
called 4:8,21 6:1,4,12,24 12:19
16:9,15 27:18 52:15 78:8 98:15
101:15 106:7,9 111:16 117:21
125:16 126:16 127:4,14 129:4
133:22
caller 130:22
calling 7:10 20:6 107:8
calls 109:6 128:17 132:17
calm 70:6



30:15,18



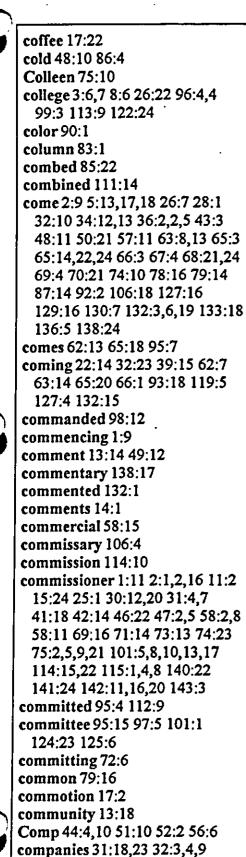
calming 4:3,5 came 4:3,10,12,15,19,23 5:6,8,13 5:19,22 6:2,7,14 13:6,13 18:17 25:23 32:14,15 33:2,4,15,16 34:10 36:1 37:6,20 39:20,21 40:19 48:22 52:20 53:5 61:8,19 66:10 69:11 73:20 74:1 77:9 78:8,16 79:11 83:15 86:19 102:10 103:7 115:12 116:4 127:5,9 130:17,19 131:19 134:1 137:18 138:15 141:16 Camel 4:18 Camp 15:19 123:4 cancer 97:15 100:11 112:22 125:18 137:16,22 138:2 candy 8:20 126:3 canisters 48:23 canning 126:21 cans 23:22 cap 121:5 captain 35:3 63:12 89:24 90:1 caption 144:5 captured 117:7 car 5:11 8:8,9,23 15:19,20 20:10 59:24 72:2 86:11 93:14,16 111:11 141:10 cardboard 29:23 cards 110:24 111:1 care 22:9 24:18,19 27:13,23 28:3 31:17 33:13 39:17 51:12 56:6,19 69:18 74:3 82:21 84:15 86:15 93:10 97:20 98:2 111:4 125:24 cared 4:22 98:22 career 77:12 119:14 careful 60:8 carried 20:24 66:16 67:16 68:13 91:6 99:19 111:10 carry 111:23 cars 20:11 93:3,16 cartoonist's 136:16 case 39:6 51:13 56:11 113:20 cases 13:8 141:5 cash 23:2 29:6 cashed 96:15 casing 26:3 casket 6:21 20:7,8,21

Catwalk 16:10 18:19 caught 36:13 57:18 cause 22:2 41:12 121:3 135:15 144:3 caused 51:16,21 100:14 104:19 cell 33:17 35:20,22,23 36:1 60:10 60:22 61:1,12 62:6 64:15,18,22 64:24 65:1,5,7,7,8,9,24 66:7 116:18,19,20 128:1,6 142:17 cells 35:8,22 62:3 cemetery 6:16 7:14,16,22 8:1 12:23 20:9,12,15 cent 20:1 center 33:16 61:20 70:11 113:6 116:14 118:9 Center's 113:2 ceremonies 15:2 26:15 ceremony 7:16 10:10 15:1 19:6 125:2 certain 83:19 98:21 120:9 certainly 41:12 42:8 45:12 certify 144:2 cetera 50:23 126:1 chair 18:20 chairs 2:17 chance 25:9,9 29:17 100:7 change 21:17 27:4 53:20 55:9 59:17 99:2 100:6,16 112:11 114:10 changed 13:20 23:5,17 42:22 57:7 106:4 109:1 111:22 126:8 128:22 channel 100:2 chant 81:21 chanting 135:11 chapel 121:5,7 133:15 134:16 chaplain 127:18 charge 116:15 charged 124:14 check 20:19 23:2 29:6 74:17 113:23 124:22 checks 86:14,16 96:16 cheeks 39:9 cheer 103:22 104:1 cheerleading 90:1 chest 7:5 22:15 child 89:6,21 90:23,24

childhood 24:13 26:4 87:3,18 children 3:5 8:12,13 9:7 24:18 38:20 59:11 80:19 94:11 97:7 113:11 chiropractor 55:3 chocolate 54:24 choice 34:14 50:17 66:4 choose 140:20 chorus 89:23 chose 96:9 99:11 Christmas 21:13 119:24 138:6 church 52:21 69:16 cigarettes 4:18 circle 12:4 36:11 37:23 122:15,22 132:1 city 22:11 civil 13:7 27:15 civilian 11:23 47:13 141:8 civilians 37:23 Clapping 31:3 class 28:14 78:15,18,19,22 79:1 129:23 136:9 classmates 100:1 clean 23:23 50:2 87:9 125:21 cleaned 43:16 87:8 cleaning 43:16 clearly 2:11 78:14 121:9 Cleaver 91:2 clerk 65:13 click 82:1 climb 27:8 clinched 16:23 cling 18:15 clipper 117:9 close 61:10,13 83:13 93:14,17 103:12,14,20 108:17 111:2 closed 35:7,17 61:9 64:16 92:22 closes 136:22 close-knit 103:4 closure 29:19 124:24 cloth 67:9 118:8 clothes 38:11 42:22 46:20 82:5 87:9 129:8 clothing 63:2 clots 50:2 club 116:6 coal 50:5



CAT 51:14



companionship 8:20 company 31:19 32:8,15 33:10 35:5,17 36:4 60:10,14,19,21,22 61:1,2,8,15 62:19 64:14,19 65:13 101:20 116:16 117:8 compassion 107:5 compassionate 55:5 compensate 54:21 57:17 114:6 compensated 29:14 71:6 compensation 10:15 41:16 42:2,8 42:9,13 55:10,12,16,23 69:20 71:4 73:16 86:14,20 97:6,8 98:5 113:8.18 124:22 139:21 141:2 complete 109:2 completed 13:8 completely 50:21 compound 49:18 117:22 118:3 comprehend 108:14 comprehension 51:17 compressed 51:18 concern 133:23 concerned 22:23 41:10 124:13 concerning 57:9,14 113:2 121:1 conclude 142:3 concluded 143:5 conclusion 30:21 112:24 124:23 concrete 67:23 concussion 49:18 condition 113:20 conditions 102:23 condolence 9:5 conduct 140:17 confident 106:19 confined 48:4 confirm 106:9 confirming 78:4 127:18 conflicting 46:8 confused 79:2 congress 113:3,13 connected 128:18 connecting 133:13 connections 125:14 consider 125:6 Considering 10:23 consisting 144:6 constant 54:7

constantly 54:10 81:20

contacted 13:2 21:2 51:9 content 83:6 contents 98:22 continue 2:8 30:3 44:17 97:20 100:15 contracting 83:20 contributed 136:14 control 28:11 43:23 45:15 59:15 59:16 61:21 128:10 convicted 122:19 124:14 convince 30:22 convinced 102:12 111:23 122:22 cooked 135:3 cool 4:3 28:18,20 cope 8:16 56:18 100:20 coped 100:9 coping 100:10 Coreen 75:12 80:7 84:11 90:14 92:14 99:2 coroner 11:15 corporations 140:5 correct 72:7 106:1 correction 37:21 58:18 68:12 correctional 1:1 2:3 58:21 71:10 105:1 115:19,19 119:16 124:4,6 corrections 58:20 75:24 77:11 78:4,12 116:3 119:15,20 123:3 123:18 124:5 125:11 132:9 134:14 corridor 62:11 63:21 68:14,15 cost 19:24 55:17,19 97:23 council 89:24 Councilmen 20:5 counsel 144:4 counseling 10:13 15:3,5 21:9 24:17 26:24 28:8 30:13 41:4,5,6 70:24 71:1 90:12,22 95:11,16,19 112:6 125:4 140:7,14 counselor 91:8 counselors 21:14 140:10 country 96:21 countryside 23:22 County 13:19 22:23 38:23 112:8 couple 45:7 53:12 122:1 courage 54:13 course 37:11 38:10 46:13 67:8 76:12 103:8 108:2 135:17

33:16 35:5,7,8 43:20



court 9:20 136:1 138:19 141:5 cousin 109:21,22 cousins 25:19,21 covered 8:2 36:7 66:15 covering 65:23 covers 112:15 coworkers 122:8 cracker 118:16 crazy 33:17 created 113:13 124:3 cried 69:12,12,12 crimes 43:11 124:14 criminal 124:2 critical 85:10 Croce's 129:23 crow 27:11 crowded 134:24 crowds 70:10,11 cry 84:6 crying 25:8 64:10 81:12 86:11 120:19,21 127:6 131:8 cup 17:22 cure 55:4 110:7 **curled 87:14** Curly 116:15 currently 97:14,17 123:4 Curtis 32:12,17 33:7,19 35:6,9 36:7 45:16.16 60:6 62:13.16.19 63:13,20,22 64:22,23 65:5 66:11 67:9 129:22 Curtis's 39:22 custom 43:21 customer 52:9 cut 7:5 11:16 38:17,17 39:10 55:7 67:8 70:8 102:8 **C.O** 4:9 10:1 46:2

D

D 47:23 66:16,18 67:15 115:22 116:14 117:12 da 74:18,18,18 88:8,8,8,8,8,8,8 dad 11:22 12:8,12,24 13:4 14:7,8 14:11,18 15:11,17 23:5 75:23 77:7,10,22 81:24 82:11,22,23 87:5 88:13 91:14 92:17,23 93:1 93:19 99:1,22 100:18,19 121:17 127:14 129:2 130:13

daddy 82:17 83:22 85:21,22 88:3 88:4,24 108:10 daddy's 88:9 dad's 14:10 26:1 79:16 84:4 86:19 daily 6:9 29:13 54:20 56:13 113:2 dairy 27:6 Dale 1:12 2:4 51:10 56:6 damage 51:15,15 134:16 danger 14:8 dare 45:20 date 17:20 129:20 dates 123:7 daughter 2:22 39:8 46:10 54:4 75:22 96:3 112:20 126:20 129:22 136:11 139:10 daughters 50:16 52:17 53:5 114:24 daughter's 136:9 David 11:7,20 day 2:8 3:17 4:10,14 7:23 8:19 10:18 12:3,14 14:1 22:3,9,13 23:13 25:23 26:4 30:5 36:23.23 39:15 41:3 43:6,7 48:2,3 49:23 51:4,6 63:15 73:24 77:7 81:12 82:9 85:13 94:2 100:15 102:14 105:6,18 106:4,6,13,17 107:6 109:5 115:21 116:24 120:10,11 120:14 121:17 125:24 127:12 128:10,21 129:3 131:23 132:7.8 133:3 134:18 135:6,6,9 136:2 137:1,2 138:5 141:6,11,15 days 16:23 20:6 21:22 22:6 26:21 27:13 31:19 36:16 39:11 43:9 50:4,6 78:9 81:4,4 92:9 96:23 102:20 104:15 122:9 123:22 128:13,14,22 135:4 dead 5:20 6:5 17:9 26:2 49:3 98:22 118:22 121:18 122:8,21 130:18 deafening 130:9 deal 27:2 29:13 77:3 80:23 87:22 140:15 dealing 71:1 death 8:7 9:7 14:10 21:24 55:24 78:6 79:19 80:16 86:18,18 89:11 |

96:16 97:1 114:6 136:4 138:10 deaths 98:15 133:10,11 deceased 11:6 15:15 39:3 119:13 decency 26:7 decide 111:15 decided 3:20 32:8 33:4 43:18 46:1 49:23 54:2 95:12 110:7 117:18 123:1 deciding 8:24 decision 17:19 19:24 54:11 66:8 decisions 56:13,17 Dee 58:5 76:6 deep 24:13 137:23 deeply 91:20 110:4 deers 23:18 Dee's 52:5 degree 24:4 delirious 50:4 Delores 47:9 demanded 116:6 dementia 76:21 97:16.16 100:14 dents 48:20 department 1:1 2:2 58:20 78:4,11 124:5 depend 23:6 Depew 2:5 deposes 115:20 depressed 21:23 56:16 depression 53:17 Deputy 1:12 2:5 desire 126:11 desk 64:2 desperately 99:9 dessert 133:18 destroyed 77:6 100:8 details 80:1 113:19 121:1 detect 55:1 determined 49:17 devil 72:2 diagnosed 137:15 die 18:18,22 22:7,16 68:8 132:14 died 9:11 23:5,15 30:5 63:6 85:15 87:5 88:3 89:1,3,9,15 91:14 100:18 102:9 103:17,18,19 110:19 112:21 125:18,20 133:4 133:7 134:3 138:5 141:10 difference 29:5 87:20





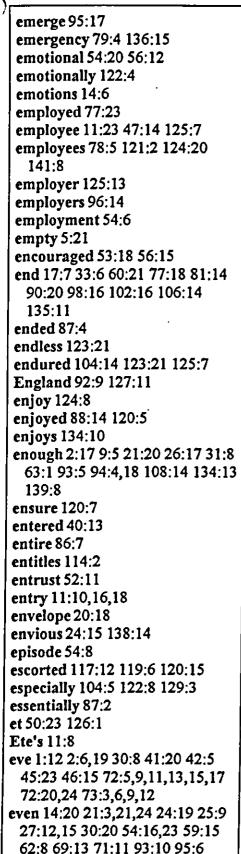
different 15:10 22:8 24:12,12 34:4 50:10 53:15 54:23 60:15 61:21,22 67:15 96:9 114:9 121:22 128:22 dinner 120:7 133:19 direct 141:9 directed 133:12 directing 119:22 direction 121:13 directions 91:11 disability 52:1 54:19,22 55:22 disabled 139:21 disappointed 93:20 130:4 disbelief 14:12 discovered 121:6 discuss 13:7 15:6 discussing 60:16 disease 100:12 disgrace 98:11 disgusting 129:14 dismayed 57:16 displayed 96:22 distance 18:23 distinct 92:2 distinctly 120:9 **District 1:12,13** disturbing 121:6 doctor 51:3,24,24 52:15 53:22 74:1,3 112:16 138:2 doctor's 23:10 dogs 125:24 doing 21:18 64:19 75:17 79:8 87:21 93:24 Dolan 79:11 dollar 88:7 141:5 dollars 42:7 55:11,12,15,17,18 59:9 97:24 Don 129:19 Donald 101:19 108:5 done 3:14 10:6 26:1 28:4 29:20 51:20 74:2 83:9 89:17 114:8 120:21 134:16 136:4,15 140:9 Donnie 103:11 109:11 111:8 door 33:21,23,24 35:23 43:2 61:12 62:4,9,12 63:17 64:18,22 65:7,8 67:16 68:6,14 108:12 135:22

doors 34:5,20 35:6,20 47:18 60:10 61:1 67:15 doubt 15:8 down 2:12 3:24 26:2 28:21,22 33:16 37:10 39:21 47:21.22 48:19,24 49:24 50:7 51:2 55:22 62:10,19 63:13,14,20 64:14,18 65:18,20,22 66:10 67:11 70:6 76:13 80:10 96:13 99:4 107:1 118:8,20 121:12 122:5,7 129:14 downtown 135:9,10 dozen 113:21 Dr 51:11 52:13 55:4 112:8,16 137:17 dragged 97:8 dragging 57:19 90:13 drank 87:17 89:15 drastically 49:16 dream 88:5,7,9 dreams 77:6 dressed 42:19 49:8 drink 25:24 111:10 drinker 103:16 drinking 26:23 87:6 100:14 135:1 drive 6:15 23:5 107:23 driver 80:17 driver's 23:7 driveway 81:14 driving 20:20 drop 38:6 48:23 116:6 dropped 17:10 37:20 121:12 131:9 drove 59:24 92:12 127:8,15 129:7 drugs 21:18,20 22:4 26:20,23 drunk 88:21 dubious 96:24 due 129:7 duly 115:20 dump 27:9 dumpster 21:4 during 3:14 5:3 7:9 11:16 14:8 16:22 40:7,8,12 44:1 52:3 81:5 85:17 108:23 122:5 124:15 125:23 128:17 130:12 135:4 duty 6:23 59:12,22 134:18

D.O.C 110:2

 \mathbf{E} each 19:8 20:2 31:19 38:1,3 60:21 92:18 97:3 100:19 103:12 106:17 113:23 120:17 123:8,10 125:5,7 131:9 earlier 15:10 142:13 early 43:24 60:1 78:19 earn 55:8 earned 113:11 ears 63:10 ease 100:22 easier 8:17 133:9 Easter 21:13 easy 57:3,19 eat 36:17,19,21 91:4 95:10 104:7 104:8 110:24 135:2 eating 93:3 101:15 122:2 123:6,10 Ed 142:17 edgewise 120:19 editorial 49:11 **Edland 112:8** effected 9:14 effects 69:24 70:1 eight 16:10 18:18 31:14 35:3 36:10 43:15,15 51:1 104:24 108:9 115:24,24 138:6 eighteen 3:8 12:7 100:19 eighty 31:21 32:15 33:5 eighty-three 55:15 either 66:3 109:24 110:3 Elameter 129:20 Elan 102:2 103:1,15,19 104:10 105:4,17 106:8,11 107:19 109:21,23 110:6 Elan's 104:12 109:23 elation 109:1 elected 75:18 elevated 98:16 eleven 36:4 76:17 82:3 eleventh 80:10 eleven-thirty 46:23 eligible 113:24 Ella 3:9 Elmer 31:4,10,11 39:2,3 45:11 63:11,20 64:13,21 65:4 66:5,11 else's 90:19





99:23 102:18 109:17 124:4 127:7 129:2,11,12 134:15 139:7 140:1,8 evening 127:17 event 96:5,6 119:24 130:5 events 57:21 76:11 122:4 136:17 136:20 eventually 57:24 ever 16:20 17:20 21:1 41:5 65:3 81:15,16 84:19 85:11 86:6,15,17 90:10 94:7 108:11 110:15 124:14 every 10:16 12:14 15:13,14,14 19:17 27:8 30:2 31:16 40:2.2.5.5 60:22 70:7,22 71:4,5,9 74:17 86:8 88:15 92:2 94:2 95:22 97:3 100:15 110:17,19,21 121:13 123:9 134:21 137:7 140:18 141:6 everybody 2:7 25:21 29:9 30:5 52:20 65:11 76:10 79:9 81:8 84:5 90:6 107:12 everyday 50:10 52:15,17 53:4 54:16 96:17 everyone 3:17 5:7 6:7 7:21 12:11 15:4 49:8 70:14,19 98:19 120:24 130:2 137:13 139:6 everything 4:7 10:9 31:17 32:8 33:17 41:12 43:23 81:22,23 83:4 83:5,10 84:9,10 126:24 139:9 everywhere 34:20 137:12 evidence 7:4 exam 27:16.16 examined 46:3 examiner 112:9 except 20:23 excited 84:2.8 executioner 118:20 executioners 10:5 121:10 exhausted 50:21 exit 11:10,16,18 expect 4:1 18:2,4 29:8 43:23 expecting 57:11 experience 40:20 experiences 55:6 explain 85:1 explained 136:11

explaining 60:6 68:1 explanation 16:21 explore 54:15 explosions 119:3 explosive 26:18 expressed 31:1 133:23 expressing 47:12 ex-con 93:9 ex-inmate 136:24 eye 39:9 eyes 17:21 50:5 63:10 64:7 93:15 93:17 121:20 F face 22:15 28:5,19 32:17 39:19 62:22 63:5 67:6 69:8 89:9 93:19 94:2 128:17 faces 54:15 65:23 Facility 58:21 71:10 105:1 115:19 119:16 124:4 fact 23:11 34:7 45:12 73:1 98:19 99:2 100:6,16 128:20 139:10,11 139:18 factor 56:2 factory 12:9,11 failing 76:24 97:13 fair 3:13 25:7 29:24 42:2 98:4 **fairly 71:6** faith 54:11 57:5 95:12 fallen 56:14 families 4:23 9:13 21:6 23:17 41:22 46:5 77:20 96:14 113:3,24 114:3 124:21,24 131:18 137:9 140:24 141:17 family 5:5 9:2,6 10:14,16 11:1 13:20 15:14,15 18:3,4,11 19:1,4 20:5 21:1 22:5,20 23:20,24 24:7 38:22 46:9 48:13 51:2,10 52:14 58:3 69:19 70:23 74:3 75:6,17 77:6,22 78:10 92:8 97:18.24 103:4,14,14 110:4,15,17 111:2 112:3,4 113:5,19 120:18 122:23 123:24 125:5,8,9,15 133:4 134:2 136:20 140:8 family's 23:4,16 76:12 95:2 98:1

113:17

far 22:22 41:8,9 95:23 107:10





110:8 124:12 fargo 47:3,4,6 58:3 139:19 farm 27:6 103:11 farmers 43:20 farmer's 13:19 fate 122:17 father 4:22 6:5 7:17 9:8 12:19 16:7.14.22 17:2.15 18:17.21 19:10,14 20:9,18 21:2,21 22:6 22:21 23:8,11,15 25:4,11,16 26:6,9,12 29:18 46:2 78:5 80:14 81:15 83:6 85:12,15 87:3,22 89:7 91:22 92:6 93:11 94:8 100:7 103:2,7,15,17,19,21 109:19 115:11 119:8,14 120:4 120:10 121:1,3,7,10,13,18,21,22 122:11 123:19 127:2,19,22 128:5,11,20 129:1 132:16 133:1 133:12 134:23 135:7,16,18,21 135:24 137:15,19,23 138:5 139:11 fathers 141:18 father's 8:18 9:7 19:7 46:11 76:4 82:20 89:11 123:1 125:10 127:8 128:16 136:23 fault 89:2,9,15 favorite 129:24 fear 13:15 14:8 36:20 102:21 fearful 111:12 fears 106:10 127:18 fed 111:19 federal 55:22 113:7 feed 27:9 53:6 feel 9:5 13:4 41:3 49:15 59:17 70:20,22,24 71:3,4 85:2,3 92:3 102:14 104:14,19,22 105:21 108:21 110:12 135:18 138:17 139:23 feeling 4:3,5 7:12 63:7 70:16 85:1 102:18 107:8,17 123:16 feelings 16:6 50:20 135:7 feels 22:16 feet 36:12 38:15 116:11 Feinberg 113:15 fell 38:14 109:15 119:3 fella 72:9,10,11

felons 122:19 felt 8:8 45:3 46:9 66:22 79:6 85:4 89:6 91:9,23 102:21 106:17,18 106:20 111:12 112:1,14 122:16 129:2 132:6 fended 87:10 fenders 48:21 fetal 87:15 few 9:18 50:6 77:14 106:9 111:15 119:8 120:1 122:12 124:16 126:20 fields 13:20 fifteen 55:12 89:12 105:5 115:17 118:18 fifteen-minute 46:23 114:17 fifth 2:8 36:23 51:18 fifty 31:14 35:3 38:8 55:8 114:3 fight 32:2 63:1 117:18 136:6 139:20 fighting 24:16 103:13 116:3 fights 8:21 figure 103:21 142:23 figured 48:8 49:7 128:9 130:15,21 file 96:15 fill 111:18 filled 118:4 129:11 **filling 114:3** film 82:1 136:12 final 52:22 96:23 finally 19:2 39:5 42:23 51:8 52:1 53:11 60:24 61:5,7 64:18 65:18 65:22 66:2 67:11 68:2,10 70:6 80:7 111:23 122:13 138:13 finances 23:16,16 financial 56:13 113:12,16 125:5 find 11:11 12:8 24:17 29:17 87:12 87:14 94:13 139:9 fine 32:8 50:13 127:20 finger 23:9 fingernail 117:9 finger's 11:12 finish 20:15 finished 23:14,15 36:22 59:22 fire 118:1 121:5 fired 118:22 firehouse 22:11 fires 129:7 134:16 135:4

first 9:12,19 10:18 22:1 26:11 31:16 32:14 34:23 38:21 42:17 46:9 53:8 62:20 63:12 64:15 66:18,20 67:19 73:1 78:1 99:24 104:19,24 106:6 113:8 118:22 119:15 120:10,14 125:18,20 127:17 128:10 131:4 132:7,8 133:11 five 3:5 4:15 8:12,14 9:3 27:10 29:7 30:15,18 31:15 32:3,18 35:4 39:11 40:23 60:3 70:4,19 81:4 85:8,10 101:2 108:9,13 109:3 112:21 122:9 123:22 130:10 132:23 135:4 five-gallon 34:11 five-hundred 51:4 fixed 7:10 fixing 134:16 flagged 33:10 flap 92:21 flashing 64:24 flats 64:14,14 flew 32:24 62:22 63:5 flight 6:21 flinching 86:7 floor 58:13 64:15 68:17 70:3 87:15 119:4 floors 91:4 floral 136:22 flowers 19:7 92:20 flowing 63:8 fly 121:13 flys 27:11 focus 77:5 fold 34:22 folded 37:15 follow 58:24 76:8,9 123:1 followed 78:9 82:16 following 69:14 106:13 128:13 133:3 food 4:21 129:5 135:2 foot 134:9 footage 121:8 football 62:21,24 63:2 132:22 footsteps 123:2 forbidden 81:10,11 force 1:4 11:6 138:13



fellow 17:18



forced 57:24 forefront 57:20 foregoing 144:3,6 foreman 25:4 47:13 forever 30:4 42:24 57:7 76:11,15 85:7.9 107:23 130:18 forget 39:18,23 57:21 76:8 96:2 108:11 126:14 130:16 Forgive 17:17 forgiven 95:9 100:12 forgiveness 94:23 forgiving 140:4 forgot 32:24 69:20 forgotten 1:3 24:22 95:20 97:3,4 101:2 124:13,19 133:2 139:1,24 140:16 formation 139:1 former 119:13 formidable 40:20 forth 2:12 46:18 88:19 fortunate 45:18 52:13 forty 21:22 31:19,21 61:11 112:5 forty-five 45:13,14 116:1 forty-four 115:17 117:8 forty-one 26:10 forty-three 89:3 98:15 116:16 forty-two 47:14 forward 57:10 70:21 fought 96:19 103:4 found 6:8 9:11 11:9 12:13 20:19 35:21 49:7 62:4 64:18,22 65:1 82:10,12,13 90:16 106:13 127:20 130:23 134:3 four 11:24 16:12,23 20:5 21:12,13 22:6 42:16,19 44:1 51:3 59:2,6 59:10 94:11 102:20 104:15 109:17 110:19 113:7 115:16 123:5 fourteen 3:10 16:18 20:22 105:5 123:2 139:10 fourteen-year-old 12:22 26:6 fractured 49:19 fragments 86:12 Fran 75:14 Frank 56:5

52:10,24 53:14 54:2,14 56:8 139:18 Frederick 58:17 Fred's 53:4 54:9 55:7 56:6 57:11 free 33:13 135:11.21 freedom 124:10 fresh 23:18 friend 86:9 112:8 friends 53:18 54:6 82:14 87:11 88:10 122:8 129:4 frightened 89:5 frightening 48:12 frisked 117:8 from 2:4,5,8 3:6,8 4:6 7:5,8,14 9:22 11:18 12:11 13:23 14:15 15:20 16:4 17:3 18:14 19:1 20:15,18 22:4 24:21 26:4,20 27:9,11 30:16,19 32:10 34:10,16 34:24 35:8,13 36:4,24 37:4 38:7 38:9 40:16 41:7 44:21 46:9 47:7 47:8,9 50:21 51:19,23 52:9 55:6 55:17 56:3,4,9 57:14 58:13 59:5 59:22 62:8 63:16,16,18 69:1 74:3.9.16 77:10,21 78:4,10,11 81:6,13 82:10,12,15,18 83:11 86:19 87:12 93:17 95:3,18 96:8 96:12,24 99:3 100:2 102:9 103:9 108:9 109:1,21 110:1,15 112:21 113:7,21 116:2,5 117:10,22 118:2,6,9,14 120:12 122:4 124:11,22 127:9,18,24 128:6,18 130:24 131:13,19 132:9,12,17 133:7 137:24 front 5:13,17 7:21 15:1 20:10 26:3,3 48:19 62:9,12 63:17 65:5 65:24 70:10 71:9 80:19 81:8 92:14 111:11 frozen 85:7 full 13:19 50:13,22 53:22 127:12 131:12 fun 88:20 fund 113:8,13,22 funds 113:3 funeral 6:14,18 7:1,13,15 11:8 13:3 85:17,17,19 86:1,23 122:6 136:23 funny 99:11

furious 83:7 f'ers 64:17 f'ing 67:17 f'r 62:15

G

gallery 65:22 117:7.11 game 77:17 88:20 gangs 43:20 garage 34:11 garb 48:2 Garnetta 76:5 Gary 5:16 gas 48:23 119:3 121:12 gasoline 34:11 36:2 48:9 66:3 118:1,2,4 gate 5:13,17 32:7,10 33:9,9,16 34:17,21 64:3,6,9,9,11 gates 35:9,18 61:21,23 68:15,24 gathered 120:24 gatherings 110:17 gave 7:17 34:18 44:5 52:15 54:14 58:23 67:9 76:6 112:10 115:11 134:9 gear 43:16 gee 133:19 Gene 4:9,10,12,14,16,23 5:2.10 6:20 7:17 9:23 20:18 general 140:4 Genesee 131:4 137:17 gentlemen 24:8 geographical 110:7 Georgia 47:8 54:3 Germany 39:13 gesture 24:4 gets 62:14 68:3 93:22 139:11 getting 5:21 56:19 57:15 64:19.20 70:15 125:3 ghost 42:21 Giants 132:22 girl 9:1 15:19 87:18 girls 90:3 108:8,11 110:9,16 gist 71:12 give 2:10 24:5 25:9 66:24 76:10 90:6 97:20 142:9,17 given 7:9 22:16 38:21 42:17 48:2 57:8,13



Fred 47:7,10,16 49:13 50:13



gives 19:12 glad 8:23 40:17 43:8 45:3 74:6 133:24 135:15 glamorous 115:23 glass 47:22 glasses 67:24 Glenn 1:11 2:1 20:3 go 3:15,21,24 5:11 6:16 17;5,14 20:7,8,24 27:3 32:5,11 33:10 35:5 37:16 40:2 42:11,14,18,22 43:7,19 49:24 50:7,16 51:2,5,9 53:6 59:2 62:1,19 67:19 68:4,6,8 68:9,22 69:14 70:7,12,20 71:12 73:14 74:6 76:13 79:20 80:24 81:10 83:14 85:9 94:21 95:4 97:23 108:3,7 109:9 120:8,11 123:10 125:21 134:17 137:10 God 17:15 52:11 57:5 65:21 81:22 83:4,8 93:14 95:12 114:14 goes 57:3 139:22 going 3:22,23 5:4,5 7:11 11:3 14:9 16:4 17:1 21:15 22:7 25:6 27:2,5 28:8,17 31:22 34:12 37:12 42:20,24 43:3 46:22 47:7 51:23 53:24 58:4 62:10 63:11 64:2,3,20 66:3 67:13,18,19 68:3 68:5,8 69:18 75:16 76:18 77:5 78:23 79:10 80:15 84:9 86:17.22 88:7 90:15 91:8 92:9 93:16 94:13,19 96:2 97:21 101:20 105:21 106:17,20,22 107:9,10 108:1,14 109:18 115:13 118:23 118:23 119:9 120:14 122:6 129:9 130:15 132:14 134:19 136:8 137:2 gone 3:18 6:17 14:6 15:2,10 25:18 39:4 76:15 84:4,4 102:16 122:3 good 2:19,20,24 5:23 25:2 31:5,6 43:2,19 45:15 47:2 58:10,11,13 58:16 62:15 75:7 94:17 105:23 115:1 133:19 138:24 goodbye 19:14 25:9,10 77:8 goodness 33:3,21 goody-goody's 78:24 goord 1:11 2:1,2,16 11:2 15:24 20:3 25:1 30:2,12,17,20 31:4,7 41:18 42:14 46:22 47:2,5 58:2,8

58:11 71:14 73:13 74:23 75:2,5 75:9,21 101:5,8,10,13,17 114:15 114:22 115:1,4,8 140:22 141:24 142:11,16,20 143:3 gotten 4:17 government 17:19 21:5 24:4.8 114:1 140:5 governor 21:5 24:20 28:5,7 30:22 31:16 40:16 44:21 56:3 71:24 95:1 96:24 98:14 101:1 130:3 grabbed 63:23 80:12 116:9,9 grade 28:14 78:13,17 80:9,10 99:24 graduate 99:3 113:10 graduated 3:8 12:8 129:22 graduating 129:23 grand 8:14 grandchild 99:15 grandchildren 99:6 grandfather 136:11 grandma 82:13,13 99:16 108:15 grandma's 81:6 grandmother 76:4,23 82:10 100:17 grandpa 100:2,17 grandparents 100:18 grandpa's 99:19 grandson 99:18 granting 125:4 grave 8:2 gray 54:5 grazing 121:15 great 77:3 87:22 100:18 133:17 137:4 greater 97:23 124:9 greatly 55:20 great-grand 8:13 great-grandkids 8:15 Green 137:5 Greenhaven 58:21,22 59:6 71:10 105:1 greet 5:7 grew 137:11,14 grief 14:9 grievances 96:15 grieving 22:17

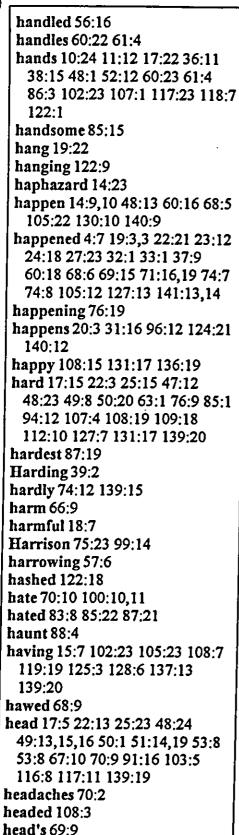
grinding 48:8

grocery 23:6 ground 20:24 29:22 38:6 48:5 89:7 116:10 grounded 93:24 grounds 125:23 group 45:24 62:11 125:1 135:10 135:18 139:2,3,6 grow 100:7 110:17 growing 103:4 grown 84:13 103:23 guarantee 34:17 guard 6:22 27:16 37:22 38:21 52:22 90:2 93:13 102:2 127:23 guarded 36:14 guards 12:13 14:20 67:14 72:21 86:5 92:4 96:17 128:9 141:8 guard's 52:10 guess 46:6 75:19 89:16 102:15,18 105:24 106:7,12 112:24 guests 120:1 guidance 26:16 guilt 70:16 guilty 129:2 gun 10:1 11:10 46:2 86:8 gunfire 102:6 gunned 96:13 guns 28:17 38:9 gunshot 7:4,7 43:5 46:4,12 82:22 102:9 gunshots 37:24 49:4 107:9 gussied 109:9 guy 92:16.24 guys 5:21 20:7,14 43:13 71:13 H



haggard 121:20 hair 7:11 70:8 85:23,23 half 31:17 34:2,7 41:24 43:7 112:22 119:19 hall 31:14,22 35:3 61:1,8,17,18 62:1,8 63:12 123:8 halls 47:22 123:6 hammer 48:20 hand 51:21 62:23 63:6 Handcuffs 36:20 handed 20:18 57:4 handle 44:3 56:14





health 21:11,11 51:2 52:4 54:9,13 54:19 55:16,16,24 56:15 76:24 97:12 hear 5:11 16:4 17:2,4 29:18 40:17 41:7 45:4 48:7 49:1,4 58:15 65:16 67:1 78:7,11,22 79:3 80:4 80:13 82:15 93:15 105:13 107:9 110:1 137:1 heard 5:5.10 9:24 37:24 38:2 39:13 41:21,23 46:7,16 48:13 52:24 62:15 73:1 78:2 104:6 105:2 109:6 111:2 126:15,22 128:2 130:20 hearing 1:8 107:14 142:3 143:5 144:9 hears 120:4 hearse 7:21 heart 18:2 22:5 83:13,19,20,21 105:12 hearted 108:20 hearts 96:21 105:12 heartsick 89:5 heat 93:18 heaven 17:16 63:6 heavens 111:22 heavily 87:6 111:10 heavy 46:17 held 1:8 7:13 10:22 12:13 40:7 48:17,18,21 49:12,15 73:17 84:16 102:4 119:24 124:20 helicopter 37:15,20 48:22 119:1 137:2 helicopters 5:10 17:5 22:13 118:19 130:9 hell 29:21 104:14 helmet 62:21 helmets 63:2 help 4:7,11 8:5 9:1 21:10,15 22:17 23:7 26:16 27:4 29:19 32:22 38:9,9,13,13 62:19 63:13,15 71:2 83:24 90:13.20 94:13 100:20,22 130:14 helped 12:8 27:1 56:6 59:10 123:20 helpful 76:6 128:9 helping 72:1 helpless 122:16

helps 23:22,23 hemmed 68:8 henning 75:12,13 Henrietta 115:15 136:9 her 4:9 6:4 7:11 9:8,8 12:19,22 23:1,2,6,7,7,9,10 26:6 29:1 46:11 56:22 76:4,24 77:2,3 78:16,16 79:7,8,14,17,21 82:14 82:15 83:16 84:15 86:11,16 87:20,21 88:1 96:4,12 97:15,17 97:19,20 99:12 100:1,1,2,8,10 100:11,12,14,17,20,21,21,22 103:9 104:1 108:15 110:9,10 125:22 127:2,8,12 128:23 135:14,16,16 136:11 139:11,12 141:5 herded 47:19,19 hereof 144:5 hereto 144:5 hereunto 144:10 heros 45:11,18 96:13 **HEUHN 31:9** Hey 78:22 he'll 142:17 Hi 75:8.9 hidden 117:3 128:1,5 hide 18:8 29:21 128:11 hiding 81:13 high 3:8 14:22 26:13 54:5 88:17 90:9 99:3 132:18,21 hills 13:19 him 3:15 5:8,18 10:3 12:2,4,15 13:2,3,4 15:12,21 18:18,20 20:21 21:3,6,23 25:7,10,13,14 25:17 28:19 29:22 32:17,20,22 37:4 40:16 47:8 49:2 52:11 53:6 53:12,18 64:8,8 66:23 67:1 72:1 72:24 73:5 74:5 80:18 82:3,7,8 83:21,23,24 84:2,10,10,12,17,23 84:23 85:2,3,4,5,24 88:18 93:14 94:3 99:8,9,13 103:21 104:8 105:22 106:3 109:10,13 111:9 111:23 112:6,10 121:19,23 122:14 125:21 130:11 131:11 132:11,23 133:23,24 134:6,20 135:3,17 137:20 142:18 himself 47:12 54:22 122:21

healing 42:10 95:5



historical 96:5 history 76:14 100:2 hit 26:11 32:16,23,24 33:8 45:20 46:18 48:23 49:2 51:19 53:13 62:20.21 63:4 72:2 83:19 103:5 hitting 35:16 47:20 hockey 8:21 hold 10:11 14:24 17:22 41:3 95:21 holder 117:9 holding 15:11 108:22 118:12,16 holds 123:8 holidays 8:19 hollered 38:9 46:19 68:18 90:18 home 3:4,14 4:12,19,20 5:8,19 6:8 6:18 7:1,15 8:5 9:1 11:8 13:3 16:20,21 25:13,19 26:7,11 29:7 39:15 43:7 50:21 52:8 53:5,12 53:13 54:4 56:22 74:6 77:9 80:20 83:15 85:19 86:2 87:2,11 87:14 97:23 103:7 109:18 120:15 121:18 122:6 127:14 133:18 141:16 homecoming 90:2 homicide 98:16 honestly 24:6 Honey 39:10 42:20 Honey-Do 8:22 honor 10:11 30:4 90:3 95:24 140:19 honors 90:8 hoods 65:23 hope 30:3 57:23 90:10 128:15 hoped 5:22 77:18 hoping 60:16 65:2 66:5 horrible 83:22 108:23 129:17 horror 71:1 horse 88:17 hospital 5:14 37:6,17 38:19,24 39:1,16,24 40:6 49:10,13,20 53:3 69:2 73:20,24 74:8 82:12 82:17,19,22 83:16 109:8 131:5 137:17 138:8 hospitalized 73:21 hostage 5:14 10:14,22 12:2,4,12 12:14 14:7 15:14 16:10 46:19

75:24 78:2,6 102:4 106:9,10 117:12,20 118:3,7,21 119:13 122:15,21 124:20 127:14,19 132:1 136:12 137:19 hostages 6:9 10:17 19:16 37:22 40:10,12 41:24 66:9,17 78:11 80:14 102:12,19 112:11 117:21 122:16 127:20 128:3 129:19 130:18 131:16 132:2 133:4.7 135:24 137:9 140:7 hostage's 10:16 15:13.15 hostile 59:20 hot 78:19 93:5 hotels 92:12 hour 34:2,7 84:8 hours 7:10 20:6 59:5,6 106:9 108:19 117:1 house 4:12 6:4,7 8:8 12:17 13:6 17:3 23:13,15 25:20,24 42:22 52:20 77:21 78:6 80:3 81:6,7,7 87:8,16 88:10 90:19 91:3 105:8 105:9,9,10 108:12 115:12 122:13 125:17,21 131:9,20 132:15,19 household 86:19 houses 14:12 122:7 132:20 huehn 31:4,6,10,11 34:12,16 36:5 39:3 42:3,6,16 44:5,8,12,15,18 44:22,24 45:3,7,19 46:13,16 63:12,20 64:13,21 65:4 66:5,11 hug 21:24 25:10 131:11.11 huge 104:20 132:22 136:22 hugged 39:21 hugging 131:8 · human 80:22 94:20 hundred 27:7 55:15 80:15 114:2 114:2 123:9 hundreds 85:20,21 hungry 48:11 hunter 11:17 hunting 53:19 125:24 hurried 35:16,17 hurt 33:7,8 34:17 36:6 67:2 81:3 85:4 94:19,22 95:5 131:11 hurts 77:3 husband 2:22 4:9 47:10 49:12

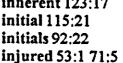
69:5,11 94:10 101:24 105:7

126:15 127:4,8 husbands 141:17 husband's 7:19 139:14 hysterical 84:14 H-U-E-H-N31:10 H.B.O 136:7 137:6

Idaho 3:6 idea 4:5 88:19 129:9 131:16 identify 131:2

ignored 86:23 ill 48:10 50:3 53:7 imagine 19:3 27:12 84:3 89:5 122:6,15 128:19 137:9 immediately 5:6 34:18 53:2 62:18 107:20 140:10 impact 12:21 importance 94:15 important 9:17 14:16 19:12 41:10 46:6 69:19 93:8 95:7 impossible 31:23 97:19 impression 92:3 126:5 **imprint** 131:13 improve 53:11 54:10,19 incident 135:8 include 16:5 including 52:20 inclusive 144:7 income 23:23 54:13 55:21 56:17 139:14 increased 126:7 135:2 increments 55:9

individual 125:8 individuals 94:14 industrial 47:13 industry 113:12 infection 50:3 53:8 inflicted 100:13 information 16:24 78:9 81:17 inherent 123:17



injuries 38:21 53:9 141:7 injury 51:15 53:8 139:20

injustice 124:12

47:15,19 50:10 52:11 70:23 71:5



injustices 136:3 inlet 33:17 inmate 15:11 31:15 32:2.6.16 34:15 35:4 36:4,24 37:2 38:4,11 38:12 48:2,21,23 49:7 62:20 65:12,18 66:20,21 67:12,23 68:13,24 92:16 116:15 119:24 121:9 126:6 134:2 inmates 10:21,24 12:2 14:7,11 32:23 33:5,5,10,11,12,15,24 34:6,6,10 35:13,15 36:1,9,15,19 37:5,9 43:11,21 47:18 48:3,17 57:14 58:24 59:19 61:11,22,24 62:4,12,14,14,15 63:16,22 64:1 64:16 65:15,16,19,22 66:7,8,10 66:18,19 67:2,14,17,21 68:1 72:1,20 102:4,17 104:19 112:12 116:2,3,4,7,15,22 117:1,4,17 118:12,14 120:5 123:6,9,9 124:8 124:17 125:23 126:7 127:23 128:2,5,8,9 132:5,11 133:10,14 133:22 134:4,19 138:15,18,21 139:1 inmate's 126:10 innocent 57:18 insecurities 56:13 insensitive 26:5 inside 3:21 22:5 24:13 27:10 58:22 59:13 60:21 116:13 131:12.12 insisted 52:17 106:23,24 inspired 124:11 instantly 140:9 instead 77:5 89:20 instill 94:12 Institute 1:8 institutions 124:6 insurance 21:11,11 52:4 55:16,16 56:1.1 113:18 intensive 82:21 84:15 interaction 134:11 interest 130:5 interested 135:15 internal 137:23 inter-guards 10:18 investigating 98:8

invite 2:15 invited 134:17 inviting 115:6 involved 29:10 involvement 57:12 in-gate 61:9 64:15,16 65:15,17 in-gates 60:10 in-school 26:18 irony 98:18 issue 125:3 140:8 It'd 27:10

Jail 38:23 James 38:19,24 115:17 116:17 119:11 January 119:15 jaw 104:6 jealous 22:20 jealously 14:11 Jefferson 1:8 Jeffrion 1:13 2:4 jellison 2:24 11:3,21 Jerome 38:19 Jeromes 39:6 Jerome's 49:9 53:3 69:2 82:12,14 82:18 131:5 Jim 116:19 Jimmy 120:2 job 8:6 12:8 43:10 50:15 54:12 59:1 105:3 106:6 115:23 125:10 134:8,10,14 141:9,15 iobs 106:4 Joe 116:17 John 2:22 3:2,12,23 4:13,17,21,24 5:19 6:3,21 7:22 8:11,18 9:11,21 9:24 10:8 11:7,22 16:7 17:9 25:4 112:16 117:2,6 127:23 128:5,11 129:21 Johnsonburg 8:1 John's 5:5 7:1,10,13,17,20 8:7 10:5 11:11 joined 99:18 107:21 joining 2:3 jokes 14:4 137:13 Joley 116:17 Jones 29:5,6 55:4 141:4

Journal 57:14 joy 110:16 Juanita 105:16 106:7 108:22,24 112:20 judge 10:19 124:17 judgment 124:18 July 12:9 99:21 jumped 107:14 June 12:8 91:2 just 3:11 13:4,16 14:2 15:20 17:23,24 18:24 19:17,19 21:3 22:9 27:6,14 28:2 33:3,15,22 38:11,21 41:20 43:11 44:6,7,8 44:13,13,15 45:10,23 53:24 55:8 56:18 58:14 59:23 60:17 63:1 66:8,15 69:11,11 70:4 72:5 73:23 74:19 78:24 79:1,3,7,9,18 79:20 80:5,11,19,23,24 81:1,8 81:16,21 83:10,19 84:5,5,6,24 85:1 86:11,24 88:16,18 90:11 91:10,20 93:4 94:16 101:20 102:18 103:10,20 104:1,2,5,5,5 104:9,13,14,15,18,22,22 105:12 105:12,20,23 106:16,16,16,19 107:11,14 108:13,15,18,19,20 108:22,23 109:15 110:21,24 111:1,3,5,13,14,14 112:3,14 126:24,24 128:21 129:15,16 130:12,14,24 131:11 139:9.22 142:12 justice 9:3 104:22 112:23 124:1,2 136:2 justifiable 98:16 justified 141:3 J-E-L-L-I-S-O-N 11:22

K
Karen 2:22 3:8 11:21 17:14
Karol 3:10,13 6:4 9:8 16:1
Kathy 86:9
keep 19:23 26:16,19 31:15 32:4
35:4 52:18 66:6 99:8 101:20
103:9 109:18,18
keeper 125:16
keeping 53:9
Keith 3:5 8:5
Keller 108:6



investigators 115:11

Kelly 98:12 Kenneth 113:14 Kentt 3:10,13 17:14 25:1,3 30:8 84:17,22,23 88:22 118:17 128:20 130:12 132:15 134:5 kerosene 118:5 Kerry 3:7 key 35:21 keys 58:23 65:20 kicked 26:22 kicking 116:11 kid 28:16,16,18 80:8 88:4 29:7 76:17 90:10 91:1,4 94:6 109:17 139:15 kill 21:20 45:21 83:21 118:17 128:7 131:17 139:11 141:9 killing 111:21 kind 24:21 76:7 79:9 80:12,24 81:1,5,6,8,15 83:7,23 84:13,21 88:20 91:2 93:16 99:11 103:10 106:24 kindergarten 120:14 kinds 67:21 kiss 25:10 **kissed 77:8** kitchen 120:20 Klein 116:18

kept 4:20 32:13 53:9 67:10 81:21 kids 4:15,15 6:10 8:4,14,23 28:15 killed 3:3 6:3 9:9 10:1,3,5 12:5,19 14:19 15:11 16:10 18:21 26:6,9 41:2 46:2 70:14,17 72:3 102:5,8 102:13,19 111:17 112:12 113:5 knee 121:15 kneeling 26:2 knees 107:2 knew 5:19 16:21 20:16,23 25:17 34:16 36:5 37:4 45:17 50:18 52:20 53:14 60:17 66:21,23 79:10.11 86:24 87:12.19 88:13 89:10 100:9 105:16 122:11,11 126:17,22 127:21 128:7,8 129:19 130:9 131:18 132:20 knife 38:5 117:10 118:12 133:8 knife-like 121:11

15:21 18:5,14 19:9 20:2,22 21:7 22:6,20 23:11,19 24:11 25:14 26:6 28:10,22,24 29:1,4,6,20,23 30:24 43:12 44:9 45:18 59:15 60:9,12 63:15,16,17,24 65:11 68:5,22 70:20 78:24 79:8 80:24 81:15 82:15 83:23 84:18 85:6 88:6,7,18 89:3 90:6,10 91:3,24 93:1,6,15,16,21,24 95:1,8 96:1 99:9 103:1,10 104:1,7,8,13,22 105:21 106:7,11,16 107:1,3,12 109:5 110:11 111:3,24 112:3 114:5 120:23 121:24 126:17 130:2,20 131:15 133:8 137:12 138:23 139:16 140:2 142:4,22 knowing 14:9 60:1 62:8 107:10 121:3 knowledge 116:1 known 90:7,7 knows 18:11 70:19 88:13 124:1 Kowalski 107:15 129:21 K-A-R-O-L 16:2

labor 105:18 135:11 lack 130:4 lady 39:20 41:23 77:1 Lai 98:13 laid 13:5 68:17 70:2 large 20:12,12 36:11 37:23 70:10 70:11 122:3 135:10 141:6 last 12:4 14:2 16:2 19:9 21:7 24:9 57:2 69:23 70:13 82:20 85:11 88:11 106:3 112:22 117:5 131:5 131:6 lasted 107:23 later 15:11 20:18 36:1 37:3,12,18 39:13 42:19 46:3 53:23 59:2,4 68:2 78:3 83:3 90:21 94:10 102:9 109:3 110:14 121:12 127:21 130:22 138:6 laughed 14:3 lawn 23:8,9 lawyer 51:10 55:12 laying 67:7,20 69:8 .

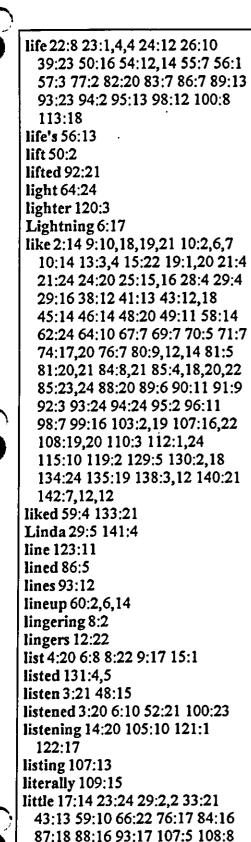
K-E-N-T-T 25:3

lead 48:20 leader 30:23 leads 64:3 leaning 86:10 learn 19:2 24:21 54:21 learned 8:16 22:1 28:11 54:23 78:1 102:9 123:19 129:18 least 21:21 22:20 54:19 66:23 82:6,8 102:20 103:20 127:12 leather 92:16,19,21 leave 7:11 19:22 30:15 42:9 43:24 52:3 54:3 78:6 80:3 117:3 123:15 127:6.7 leaving 12:23 25:7 107:21 led 66:12 67:15 left 2:3 5:22 8:24 12:11 16:22 20:15 39:9 51:21 57:6 68:24 73:23 91:5 117:6 128:19 legal 124:9 legislator 114:8 legs 65:6 length 132:9 less 18:3,4 106:19 141:7 lesson 94:7 let 6:7 14:1 20:1 21:6 26:5,7 29:22 30:15 41:20 44:18 45:10 60:11 63:2 64:9 68:4,7,9 69:23 70:24 80:7,18 81:22,23 82:15 83:4,5 84:17 85:9 88:18 94:24 95:8 96:1 105:11 107:2,3 108:2 letter 40:15 44:21 46:9 56:3 110:3 113:24 letters 9:4 103:21,24 104:2 113:21 133:22 134:3,4 letting 30:2 65:11 71:8,11 Let's 44:18 131:11 level 55:11 Lewis 78:18 79:14 license 23:7 lie 127:21 lied 133:11 lies 111:19 112:15 lieutenant 32:12,17 33:19 35:6,9 35:13 36:6 43:1 45:15 60:6 62:13,16,19 63:13,19,22 64:21 64:22 65:4 66:11 67:9 98:12

lieutenants 60:4

know 8:11 9:18 11:17 13:11,17

knocked 39:21 116:10



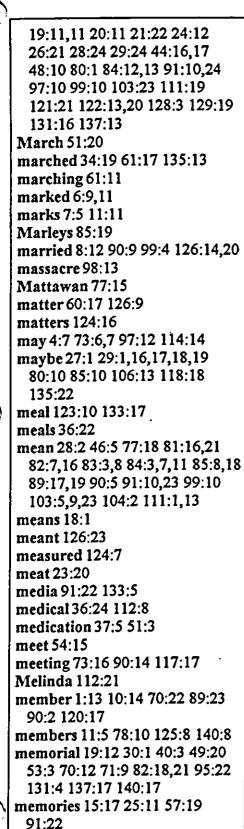
58:17 75:15 83:6 97:18 100:15 101:24 115:15 135:22 lived 4:8 7:24 14:2 59:8 80:10 83:15 88:24 91:21 97:4 125:17 129:11 139:7 lives 6:6 47:8 54:6 57:6 76:12,20 77:5 96:17,18 97:14,18 99:10 102:21 119:10 122:9 livid 80:17 living 55:19 89:8 97:22 102:21 126:14 135:5 137:11 load 134:19 loading 7:20 lock 35:21,24 60:20,20 61:9,10,13 locked 31:15 32:4,13 33:11,21,23 34:7 35:4,19 62:5 68:15 locks 34:4 long 9:18 14:5 20:2 47:24 50:18 52:23 73:21 84:3 89:19 92:19 95:4 98:23 120:13 124:1 129:9 138:4,14 140:1,14 141:3 longer 20:4 23:21 97:18 117:5 118:18 132:3 look 13:3 25:13 26:15 27:9 28:5 39:11 69:7 75:20 80:21 83:4 84:5 85:6,16,22,24 90:5 96:6,8 97:21 99:5 looked 4:13 17:21 18:18 32:18 38:11 39:8 46:3 56:15 66:14 74:19 82:5,8 119:5 128:15 131:10 132:23 looking 22:14 67:21 79:17,17 91:13 93:19 121:19 looks 99:15 loose 38:17,18 Loren 99:22 Loretta 101:10,21,22 114:16,19 lose 103:3 loser 75:19 losing 91:9 112:2 loss 8:16 51:16,17 100:20 111:5 lost 41:2 67:2 87:2 103:23 110:6 112:1 137:9 141:17 lot 5:20 19:6 21:18.18 23:17 24:13 28:24 42:3 45:11 67:3 71:13 76:18,22 89:18 91:18

92:12 104:2,15 111:2 118:16 125:14 127:3 lots 51:16 lottery 88:8 love 135:16 loved 87:20 88:10,10,11 95:24 99:7 114:6 133:13 137:10,11 140:18 141:8,15 loving 103:14,20 104:3 low 22:24 119:2 lucky 34:8 41:14 121:14 131:18 134:11 lunch 58:5,5 luncheon 58:7

M M 1:12 machine 25:4 80:22 machines 84:13 mad 39:13 made 9:13 10:13 15:4 17:19 18:14 18:22 34:1 36:17,18 56:17 57:5 66:8 79:4 93:1 108:24 109:3,6 109:23 110:15 117:18 118:16 119:2 126:4 132:4 136:7 138:16 140:5 magazine 92:1 Magnum 11:18 main 34:4 115:18 129:11,12 majority 30:22 make 6:14,18 7:11 8:10 10:3 12:20 13:3 19:24 49:11 50:9.10 57:4,17 81:17 87:8 98:21 108:10 108:21 109:4 124:16 132:12 137:13 making 8:22 28:17 48:9 65:21 139:14 mall 122:3

108:11 110:9 112:6 142:13

live 3:3 11:22 22:7,11 29:24 40:21



32:15 96:22 103:23 116:6 126:1 131:19 133:1,2 134:20 135:18 135:20 mental 51:9 mention 70:4 73:15 105:2 mentioned 56:10 73:4,7 mentioning 109:7 menz 114:22,24 115:3,6,10,14 mess 31:22 61:1,8,17,18 62:1,8 123:6,8 messed 85:24 met 43:2 69:15 99:7 139:2 metal 12:1 16:11 47:14,16 60:20 118:15 metastasized 97:15 Mic 101:12 Michael 144:2,15 middle 57:18 Mid-State 123:4 might 15:8 16:16 17:18 36:20 43:13 48:10 56:24 57:9 99:7 111:14 136:5 migraine 70:2 Mile 137:5 miles 27:11 militant 126:12 miller 47:7,11 58:3 101:11,12,15 101:19,21,22 114:20 139:18 milligrams 51:4,7 million 24:6 41:22 80:14 113:7,16 mind 10:3 19:23 23:2 27:19,19 76:24 80:22 137:2 minds 57:20 mine 4:16 92:18 minor 43:11 minus 113:18 minute 37:15 minutes 1:8 30:16,18 32:18 35:21 35:24 45:13,14 85:8,11 109:3 118:18 miss 8:19 missing 128:4 mistake 32:5,7 35:5 109:4 110:14 140:6 mistaken 45:15

mistakes 14:18

mistreatment 104:16 mixed 91:16 mixture 118:5 moaning 49:4 model 89:21 mom 12:14,16 18:6 20:17 25:18 28:23 76:3,19 77:10 78:1 80:3 82:9 83:15 86:10,13 87:5,14,16 87:17,24 88:21 90:16 91:3,21 92:23 97:14,22 99:16 moment 4:2 64:12 65:22 mom's 84:4 Monday 130:8 money 29:11 86:19 126:3,9 141:6 **Monroe 112:8** monster 80:11 monteleone 2:15,22 3:2 11:8,23 16:2,8 17:7,9 25:2,3,3,4 50:9 month 74:17 82:20 83:11,16 84:2 84:3 85:13 88:3 97:24 monthly 55:14 months 40:2,5 42:17,19 44:2 45:6 45:8 50:14 51:23 53:16,20 59:2 59:3 70:4 100:19 126:20 138:6 monument 10:10 mop 65:14 more 21:21 22:2 23:17 26:17 32:18 51:3,9,19 59:20 60:9 68:4 80:6,6 86:5 100:10 103:19 119:19 121:24 123:19.19 124:3 124:9,9 127:24 129:8 131:22 132:4 135:23 141:10 moreover 40:24 morning 2:19,20 3:1 5:4,9 25:2,8 27:8 31:5,6,13,16 35:2 37:14,19 47:2 48:16 52:19 53:7 73:24 106:21 116:22 117:14 121:2 Morrisville 3:7,10 mortgage 8:8,9 50:16 mortuary 18:10 most 9:17 14:16 55:7 56:17 57:4,6 57:21 69:19 78:9 94:7 130:6 mother 4:6 5:6 18:9 22:24 23:5,9 26:7 28:1,5 29:13 46:10 62:15 64:17 67:17 76:4 78:10 87:3,7 100:7 109:15,16 110:19 111:9 120:18 125:21 126:16 127:8



memory 51:16 80:9 99:8 100:5

men 10:12 12:24 30:5 31:19,21,21



128:23 mothers 110:21 mother's 23:13 110:18 120:12 mother-in-law 7:10 mourn 19:13 mouth 37:1,10,16 39:16 40:4 63:10 74:12 88:22 104:9 move 54:3,11 57:22 88:9 moved 83:2,18 85:13 88:23 110:8 117:6,22 118:2 125:9 movement 64:23 movements 61:21 movie 91:24 136:7 137:4 movies 18:13 133:15,18 137:3 moving 83:18 88:6 mowed 23:8 mower 23:9 much 22:8 23:1 24:5,7 26:23,23 28:13 31:2 34:14 35:15 37:1 46:24 53:23 66:4 71:15 75:3 81:9 85:18 101:6,6,16 103:2,16 109:20 111:4 117:5 126:9 127:21 129:12 133:9 141:7 142:1,2,21 murder 72:6 murdered 48:14 murderers 43:12 music 78:18,21 133:14 musical 120:6 Muslims 48:5 131:24 must 50:16 104:13 105:3 106:20 114:1 123:21 133:21 137:10 mutilations 11:14 myself 17:14 21:17,20 22:6 27:4 50:6 56:20 63:14,20 89:13 91:14 94:6 **Mystic 92:10** M-E-N-Z 115:15

N

M-O-N-T-E-L-E-O-N-E 16:2

nail 103:6 name 2:10,10,21 5:14 11:21 16:1 16:3 25:3 31:10 33:20 37:2 50:11 58:16 66:21 68:19 71:21 71:22 73:1 75:10 76:4 99:15 101:21 107:16 115:14 119:12

124:11 131:6 144:11 names 6:1,1 107:13,18,19 nation 136:16 national 6:22 13:21 37:22 52:22 98:11 nature 94:20 Navy 99:19 134:13 near 6:16 54:3 129:15 nearly 113:11 123:5 necessarily 44:10 necessary 41:6 42:7 56:18 140:1 140:10 neck 7:6 11:12 48:19 51:4,19 55:4 121:12 need 21:9 28:10 31:18 41:5 94:21 94:21,22,23 101:22 140:13 needed 13:1 37:2 96:16 needless 56:10 needs 2:12 29:13 30:24 71:1 97:21,22 124:23 neglected 100:3 neighbor 120:16 neighbors 121:16 129:4 130:11 neither 21:10 Nelson 98:14 nephew 136:14 nephew's 136:18 nerve 42:23 nerves 50:24 53:24 nervous 50:19 neurologist 50:12 never 6:5 13:2,24 14:18,19,21 18:9 23:12,15 26:11,12,14,15 29:1 39:18.23 40:9 57:11 58:21 59:14 62:23 69:21 77:9 82:15 83:1,6,15 84:14 85:23 87:12 91:5 94:5 95:7 96:2 97:4 99:2,7 100:7 103:4,18 106:24 108:11 110:1,2,16,18 111:5,6 112:23 122:2,22 126:14 128:24 130:16 130:23 131:24 133:2 134:8,24 135:7 136:19 141:16,16,19 new 1:1,8 2:2 11:9 20:6 54:3,12 54:12,12,14,14,15,15 55:3,4 57:16,23 58:17,18 59:4.5.11.24 69:2,17 71:2,8 74:9 75:15 77:13 90:3 92:9 94:24 95:8,15 96:20

96:23 98:20 102:1 114:7 115:18 115:20 119:10,14 124:5 127:11 136:3 139:23 141:12 144:1.16 newly 90:9 126:14 news 5:23 6:8,9,13 12:3,10,12 52:22 82:1 109:12 113:2 126:15 128:3.14 131:3 133:3 newspaper 9:12 90:15 127:13 next 4:14 5:9 7:23 8:1 15:1 39:15 48:2 51:23 53:4,7,16 73:24 89:12 93:14 99:14,18 116:24 118:21 125:17 135:22 nice 24:4 27:24 28:9 43:11 87:16 114:7 126:2 Nicholas 99:21 Nick 91:9 nickname 72:12 niece 103:24 night 4:12 5:2,3 19:17 32:1 43:19 43:22 60:7 62:2 69:4 88:2,21 105:24 120:13 129:3 nightmares 19:16 22:14 24:9 40:20 83:22,24 137:8 nights 8:21 36:16 nightstick 58:23 62:22 63:5 nine 55:14,17 136:15 nineteen 3:7 113:16 ninety 35:13 ninety-five 55:11 ninety-one 76:23 nine-thirty 142:7,24 143:2 nobody 33:13 36:6 76:17 79:10 80:4 81:7,9 86:15,23 90:12,12 90:18 noises 28:17 None 21:1 75:17 normal 63:2 normally 32:4,9 61:24 96:7 nose 4:24 11:13 note 56:24 notes 31:11 50:22 54:22 nothing 36:17 50:6 53:14 60:16 65:3 89:11 93:9 108:21 noticed 20:12 53:13,20 notification 39:5 notified 29:22 38:23 Nowadays 140:10



numb 79:9 number 87:13 134:12,12 142:17 144:7 numbers 120:6 nurse 66:21 69:5,6,10 82:13 nursing 97:23 nuts 75:17 86:2 90:17 NYS 1:12,12

0

O 1:12 2:6 object 121:11 objections 136:10 observe 40:11 observed 40:9 52:16 observers 122:18 obvious 91:11 obviously 73:21 occasion 88:18 occasions 21:10 123:15 occupation 115:18 123:20 125:12 ocean 92:11 October 85:14 off3:18 4:10 9:24 16:19 20:13 28:17 31:12 44:2 55:13 59:12 61:4,11,15 64:24 65:11 81:12 91:4 93:18 101:12 107:9 119:4 122:21 128:21,22 131:9 141:11 141:15 offer 98:5 offered 86:14 90:13 139:16 office 20:3 28:21 47:19 78:17 79:15,23 102:3 106:22 140:23 officer 31:22 32:3,6,7,15 33:6,20 36:7 38:1,3,10,13,16,18 58:18 62:24 63:13 64:5 67:2 68:8,18 68:21 69:6 70:23 71:5 77:11 115:19 116:3 119:15,20 123:3 123:18 125:11 134:14 officers 31:18 36:13 37:21 38:8 59:8,20 60:3,14 66:17 68:12 70:15 72:2.22 75:24 121:5 132:10 official 131:1 officials 13:6 110:2 122:18 132:18 140:5

125:22 oh 14:1 18:1 32:24 35:1 38:2 44:12 80:13 93:2,14 104:12 117.17 okay 4:13 5:1 30:10 34:15 42:5 45:9 72:4 73:12 83:4,5 93:2 101:9,20 106:17 131:1 142:16 142:19 143:3.3 old 16:18 20:22 21:22 25:6 26:10 67:24 76:16,19,24 83:9 87:7 89:3 93:6 100:7 108:13,14 125:10 130:10 139:8,10 older 108:18 oldest 96:3 99:14 100:17 olds 93:7 once 21:21 24:1 84:2 88:15 91:9 103:5 126:2,8 131:12,22 134:1 one 6:15,16 17:20,24 18:1,21 20:8 23:8 24:6 27:19 28:16,18,22,24 29:16 32:15,23 33:5 34:14,17 35:17 41:21,22 42:1 45:6,12,16 46:1,8 47:14 48:4,20,23 49:2,3 49:14 53:13 56:4 58:6 67:23 68:4 69:23 73:22,24 75:23 77:1 77:2 78:24 82:24 83:13 85:13 86:6 88:2,21 90:8,10,11 94:5,14 94:16,18 95:18 96:7 101:23 106:23 110:8 112:2,2,17 113:6 113:15,20 114:6 116:7,14,20 118:12,15,22 120:4 121:11,13 123:14,24 124:13 127:21 130:5 134:9,11,12,18,20 135:7,9 136:15,15,15 138:24 141:4,15 ones 15:9 30:14 41:1 95:24 96:13 96:14,19 121:14 134:12 137:10 140:19 141:8,15 one-third 139:13 only 7:19 20:22 23:8 25:5 26:10 27:19,21 29:16 32:20 48:14 59:5 59:11 72:19 74:7 76:19 77:13 79:15 89:8 91:1,16 92:8 100:9 110:6,13 121:14 122:15 123:11 onto 35:17 open 27:8 32:7,11 33:24 34:17 35:22,23 37:10,16 60:10 61:1,3 61:5,12,23 64:8,9,10,18,22 67:8 77:4 98:8

opened 19:2 32:6,6 33:9 34:21 35:10 60:19 61:8 68:24 78:20 Opening 9:16 18:5 29:15 70:22 operate 49:23 opinion 21:24 93:7 opportunity 95:2,8,24 optimistic 52:18 option 27:1 options 57:9 ordeal 57:6 95:18 130:12 order 9:20 57:21 ordered 35:6 98:14 orders 7:9 123:14 organ 15:18 organized 102:17 132:5 organizing 119:23 original 18:6 originally 116:21 Oswald 69:16 other 10:17 11:13 17:7 25:16,21 28:16 41:23 45:24 49:2,3 64:5 66:17 67:2 68:13,23 72:1 78:10 80:19 94:15 100:19 103:12 112:2 114:2 118:13,23 121:2 122:16 123:12 124:3,6 125:11 128:8 131:9,16,18 132:9 133:1 135:6.24 others 6:12 8:17 30:24 68:20 122:10 132:20 134:11 otherwise 5:1 ought 135:22 ounce 134:21 ourself 65:21 ourselves 35:19 81:11 87:10 out 5:13,17,18 6:2,16 9:11 12:13 14:1 19:22 20:19,20 22:8 24:17 25:22 26:3,16,23 29:9 32:9,21 34:13,21 35:5 36:2,2,5 37:17 39:20 42:22 43:21 45:4,22 46:19 48:21 49:1,7 50:2,13 52:12 57:11 59:8 62:22 63:5 64:1,3,9 66:1,1,2,3,4 67:3,13,15 68:13,21 68:24 70:3 73:23 80:7 82:10,12 82:13 83:14 84:15 86:12 87:15 89:20 90:16 93:1 103:6 105:7 107:13 108:24 109:4,23 114:3



often 40:19 108:16 110:11 120:6



118:9 119:6 126:1 127:21 130:15,23,24 134:19 137:18 139:9 outcome 15:10 outline 76:14 outlined 101:3 outlining 76:7 outloud 4:4 outrage 124:19 outside 3:18 4:17,23 17:15 19:20 20:1 26:2 27:6 43:10,15,20 54:16 56:19,22 80:12 81:10 105:8 120:1 129:3 134:14 135:3 over 4:3,4,10,15 5:6,22 17:5 20:20 22:13 31:22 32:16 34:6,24 37:5,21 43:5 46:4 48:22 53:16 63:8,10,10 64:2,13,14 70:20 93:23 94:1 95:4 102:5 103:5 118:19 119:21 122:18 123:2,19 128:7 135:10 136:1,1,6 overdue 124:1 140:1,14 141:3 overlooked 54:5 overnight 53:6 overseeing 51:12 Owego 75:15 owes 24:8 139:24 own 8:13 10:3,11 16:6 22:2 52:4 93:4 97:19 117:3 120:7 125:2 128:19 140:17 Oz 137:6 o'clock 58:6 82:1,3

<u>P</u>

packing 5:21
pads 63:3
Page 144:5
pages 144:7
paid 8:7 55:13 93:21
pain 22:2,5 29:12 51:4 67:1 69:21
71:6 95:5 100:13,22 102:22
113:17
painful 77:2 80:23 87:24 122:14
paint 105:9
painting 105:8
pair 48:3
paltry 139:16
panicked 80:6

pants 38:21 paper 6:11 96:5,12 99:12 130:1 papers 18:12 paralled 136:20 paranoid 7:8 Pardon 71:18 pardoned 72:1,3 parent 89:8 parents 77:18 92:13 94:11 100:21 Parker 137:18 parking 5:20 part 8:6 45:15 52:5 54:20 57:15 87:19,20,20 89:10,12 109:19 119:22 130:16 partner 88:15 parts 61:22 partying 105:23 passed 4:6 27:16,17,17 87:15 106:17 126:6 past 9:15 17:6 79:4 122:9 pastor 52:21 pasture 103:7 Pataki 24:20 28:5 95:1 101:1 patched 39:19 Patty 78:18 79:14,17 Paul 51:11 52:13 pay 7:17,19 44:13,15 50:16 52:4 97:24 139:15 paycheck 20:19 44:3,6,7,8,14 74:18,20 payment 8:9 139:12 payments 86:20 113:19,24 payout 113:9 pay-grades 55:9 pension 52:2 54:19 55:14,23 people 2:9 4:21,22 9:14 13:11 19:7,14,22 20:20,23 23:6 24:15 25:16 27:22 41:2,7,13 46:17 85:21 86:6 94:4,15 96:18 97:9 111:3 121:21 122:1 125:11 128:4 129:14 130:6 135:1 137:3 137:13 138:20 139:4 Pepsi 8:20 per 24:6 perceived 96:7 perceptions 77:4 perfect 30:4 89:14,20 91:4,7,12

91:17 perhaps 54:9 period 77:2 117:20 periods 53:17 116:22 person 17:6 18:19,19 79:8 87:16 91:15 94:22 95:14,17,19 104:3 109:17 personal 10:1 30:1 56:24 94:17 personality 53:20 personally 24:5 46:19 95:12 132:20 person's 95:10 perspective 96:9 pertaining 10:8 Petone 6:2 Pharsalia 123:5 pheasants 126:1 Philip 116:4 phone 9:8 12:18 17:12 26:1 63:22 64:1,1 78:3,7 80:4 81:11 96:24 105:15 109:10,11,21 130:22 142:17 phonetic 3:9 5:16 6:2 10:20,23 11:8 32:12 37:3 39:2 50:9 51:11 56:5 66:22 76:5 78:15 79:11 86:10 102:2,3 107:15 108:6 112:16 113:15 116:18 117:2 129:20,23 139:12 photos 18:9 physcological 27:17 physical 27:17 56:12 physician 51:11 52:14 112:4 pick 6:16 21:13 23:22 108:7 134:22 picked 65:6 66:15 92:1 picture 39:14 76:10 92:5 pictures 9:21 18:11 25:12 39:12 70:14 100:2 pieces 40:5 85:19 86:11 104:8 pig 67:17 pill 51:5 pilot 80:24 pistol 111:11,23 place 19:9 50:15 86:6 88:11 104:20 122:5 124:15 133:9,11 136:21 144:4 placed 36:11 47:24





places 80:15 plainly 105:6 plan 59:16 77:17 plastic 123:11 platform 48:18 play 132:21 played 26:13 109:20 110:24 playing 15:18 111:1 please 58:9 64:8,9 75:6 79:14 81:22,23 83:4 98:24 101:11 114:18,23 140:13 plot 6:16 27:12 plus 10:21 70:3 135:6 pocket 50:21 point 9:17 22:24 28:12 41:22 51:8 71:7 91:12 113:7,16 pointing 38:9 points 9:3 70:20 101:2 poisoned 36:20 Poleski 10:20 police 37:22 52:23 68:11,16,20 102:5,13,15 polite 79:13 poor 72:2 84:11 90:13 100:10 108:5 109:10 111:7 pop 23:22 70:6 Pope 11:7,20 population 120:1 126:7 position 87:15 positioned 121:10 possible 46:5 possibly 30:10 89:14 post 106:22 potential 113:17 potluck 110:23 pounded 105:12 pounding 64:16 pray 17:15 26:3 48:15 prayed 16:23 52:21 81:20 106:16 107:2 prayer 19:18 prayers 20:1 21:8 praying 65:21 predecessor 28:6 prepared 144:8 Presbyterian 69:16

presidency 98:17 president 89:22,23 press 39:12 81:13 pressure 91:18 pretended 49:4 pretty 28:20 85:17 89:16 92:19 prevented 138:11 price 93:22 prime 26:9 principal 78:16 132:19,21 principal's 28:21 79:12,23 principle 125:16 prior 40:12 119:21 prison 3:3,19,23,24 4:11,17,23 5:4,6,10 11:23 12:6,14,17 13:22 14:3 15:1 16:14 17:3 19:6,20 20:1 27:10 33:13 34:5 37:5 40:13 43:16 48:16 52:15.23 54:7 54:21 58:22 59:13 61:20,22 70:5 72:6 76:1 78:23 79:5,24 82:9,16 82:23 85:14 86:5 89:1 98:9 100:3 105:14 119:23 122:18 124:3 125:14,19 127:3,18 128:18,21 129:7,15 130:13 131:1 132:17,18 133:13 134:9 134:15 135:12 137:19 prisoner 40:8 117:7 prisoners 40:10,11 102:13 104:16 105:13 111:16,17,20 126:11 133:16 prisoner's 82:5 prisons 137:3 privacy 13:16 private 9:6 14:24 19:17 95:21 privately 98:1 privilege 105:11 109:11 probably 20:14 27:20 28:10,22 45:7 69:7 85:8 87:23 94:7 101:22 problem 60:7,11 61:6,16,17,18 62:2,9 65:12 79:24 101:14,18 problems 27:2 53:23 55:4 56:12 60:9 62:6 135:6 proceeded 20:21

proceedings 144:9

producing 119:22

process 22:18

productive 55:7 professionals 140:14 programs 40:24 124:10 progressive 97:16 promised 69:17 proper 41:3 prostate 137:16 protect 13:16 96:19 98:20 128:9 protected 97:8 protecting 96:17 132:1 protection 48:6 117:4 protesters 135:11 protesting 135:23 proud 8:11 99:13 100:4,5 137:11 proudly 99:5,24 prove 89:13 91:14 provide 95:16 98:2 provided 58:5 providing 140:14 psychologically 122:4 public 122:2 140:4 Puerto 38:3,4 pulled 7:17 20:13 91:10 pulling 62:20 93:12 punched 28:19 purchased 92:17 purple 96:21 purse 92:17,21 pushed 38:14 118:1 put 13:4 19:7 23:11 27:7 29:22 32:13 36:10 48:17 49:8 69:1 91:18 95:14 96:8 102:16 110:10 116:20 puts 70:8 putting 14:8 p.m 59:23 143:6



qualified 139:21 140:15 QUARTERLY 16:1 Quartley 16:3 queen 90:2 Queens 2:4 quest 136:1 questions 2:12 15:8 19:4 30:9 41:18 50:8 71:15 84:24 135:14 quick 61:12



presence 144:4



quickly 70:21 quiet 107:12 Quinn 10:23 22:20 130:1 quit 35:15 quite 123:15 quote 96:11,12 98:10,15,16 Q-U-A-R-T-L-E-Y 16:3

R

R 101:23 rabbits 23:19 radio 3:21 6:11 16:23 78:3 105:11 105:13 106:23 107:5,9 120:20 120:24 126:16 127:1 130:17 131:3 rage 111:12 rail 93:14 rain 104:11 raining 129:4 raise 77:22 raised 14:16 103:11 raises 55:19 Ralph 71:22 Ramillard 116:17 ran 17:11 32:9,16,21 33:8 61:15 63:20 64:13 86:19 120:18 rang 12:18 17:6 109:10 130:22 range 52:24 ranged 98:11 raspy 84:21 rather 86:18 112:12 rational 89:10 Raymond 58:8,16 razor 70:9 118:13 reach 30:21 61:12 127:12 reacquainted 139:3 reactions 109:1 136:17 read 2:23 10:7 18:12,13 46:9 90:14 92:1 96:11 112:11 113:1 117:15,17 119:9 131:6,21,22 141:5 reading 2:24 11:5 16:7 47:7,10 49:17 51:17 52:7 56:9 107:18 113:5 115:21 119:12 ready 42:18 47:5 65:19 real 45:18 54:11 92:8

realized 63:8 76:14 91:20 128:4 133:7 realizes 98:19 really 13:16 25:6 28:2 32:22 53:21,24 66:4 67:9 69:24 75:17 76:9 79:10,15,24 80:8 81:20 84:20,24 85:4 86:3,4 87:1 88:14 91:6 92:18 93:4 94:12,12 98:3 102:10 110:4 111:2,20 121:23 130:15 137:5 139:17 reasons 18:24 19:11 rebuilt 14:12 40:4 recall 72:6 receive 7:19 10:16,19 15:15 113:21 received 8:7 9:5 29:2 40:15 44:2 52:9 55:19 56:3 78:3 104:16 108:24 109:2 110:16 112:5 127:17 138:8 receiver 17:10 recent 51:20 113:9 136:14 recently 113:21 128:22 recess 47:1 58:7 114:21 recognize 38:10 64:8 98:5 136:3 recognized 134:20 recollections 136:17 recommend 97:6 101:1 114:11 recommended 41:21 record 41:8.9 144:8 records 9:16 10:9 15:7 19:1 29:15 70:22 98:8,20,22 125:1 141:1 recovering 50:14 recovery 50:13 53:23 recreation 124:9 Red 99:16 rededicated 134:15 Redemption 137:4 reduced 52:2 55:15,20 reference 40:23 reflect 19:13 reform 124:3,11 refused 6:23 106:18 123:14 132:16 regain 128:10 regardless 109:19 Rego 116:17

regret 112:19

regular 44:13,14,15 74:20 rehabilitated 126:11 rehabilitation 126:10 rejected 91:21 relate 123:20 relating 141:2 relative 46:3,11 Relatives 129:4 released 10:18 92:24 131:7 134:5 releases 41:8 reliable 8:9 relieved 55:3 religious 124:10 relive 24:9 reluctant 140:3 remain 95:19 remained 119:17,18 remember 4:4 6:1 10:12 16:5,20 17:5 25:6,7,8,14,18,20 26:2 45:6 50:23 54:22 61:10,13 72:24 76:21 79:7,13,17,19 80:6,11,18 81:2,2,3,5,19,19,24 82:2 84:1 85:1,18,19,20,21 86:1,3,4,7,9,22 88:2 90:8,13 91:8,12,21 92:6,13 92:17 93:6,9,11,19 94:3,6,8 96:10 99:17 103:18 104:5 105:6 105:15,18,22 106:21 107:7,11 107:14,17,23 108:23 111:8 120:9,15,20 121:19,23 126:8 132:21 135:8 139:8 140:3 remembered 8:18 87:17 104:11 remembering 50:20 remembers 78:14 reminded 54:10 135:3 reminder 54:7,20 remorse 140:6 remove 83:12 137:22 138:5 removed 36:21 40:9 118:9 rent 59:9 reopen 56:6 reopened 51:13 repair 50:1 reparations 15:16 22:22 24:3 repeat 33:22 replied 30:24 report 9:20 18:7 52:16 56:10 112:13 121:4



realize 80:21 114:9

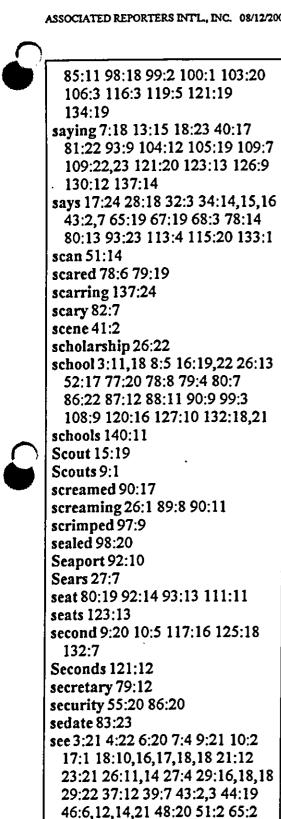


reported 120:3 144:3 reporter 120:2 130:17 reporters 13:13 132:15 reports 10:9 12:12 46:7 112:11 128:3,14,16 representative 90:4 request 95:17 98:7 require 49:19 rescue 106:19 resemble 87:22 resentment 95:10 residence 17:8 respect 10:6 Respectfully 11:20 responded 49:3 responsibility 14:17 98:5 141:13 responsible 45:17 124:17 rest 13:5 38:12 80:2 93:23 94:2 111:9 112:1 restaurants 92:11 93:3 restraint 134:21 result 97:17 141:9 retain 44:21 retaken 48:16 68:12,16 82:9,23 retaking 85:13 98:8 retired 52:1 54:2 55:10 58:18 112:17 119:18 retirees 55:18 retirement 52:2 56:22 97:11 retook 52:23 return 35:7 120:6 returned 35:8 50:14 53:19 returning 35:13 revenge 27:13,22 revolt 115:22 revolting 90:4 revolved 54:6 re-take 4:11 5:4,5 re-taking 12:6 Rican 38:4,4 ride 20:10 rides 23:21 ridiculous 57:3 89:4 riding 20:11 93:2 rifle 134:22 rifles 86:8 right 4:10 8:24 21:5 27:10 28:20

30:13 32:21 33:20 34:6,18 38:17 39:4 56:4 58:1 61:12 63:23 65:21 70:1,2,9,15 74:6,10 76:13 76:20 78:21 80:11 81:22,23 83:19 86:17 88:17 90:22 96:15 99:1 100:8 102:16,19 106:16 125:17 126:22 132:3 140:13,17 141:20 rights 124:9 riot 3:3,17,22 4:1 8:15 12:10 13:7 13:9,11,13,22 14:8,9,14 15:6 16:23 19:9 24:1 28:16 32:2 40:15 41:13 47:17 51:12 52:10 56:4 57:12 59:15,16 69:13,15 70:1 71:1 77:24 81:5 89:2 92:7 102:4 104:17.19 105:7 111:10 112:9 117:5 119:22 120:10 121:23 122:5,12 123:7 125:2 126:16 133:23 134:4,23 136:8 136:21 137:8,20 139:8 141:2 rioting 102:16 105:13 128:2 ripped 37:10,16 rise 38:8 88:18 risk 56:2 risked 96:17 road 1:8 20:13 27:7 53:14 80:11 89:17 93:19 Roberts 116:16.16 Rochester 1:8,8 40:3 49:21 82:19 126:15 129:8 134:1 135:5,9 138:15 Rockefeller 28:7 31:17 40:16,17 44:21 56:4 96:24 98:14 106:18 130:4 rode 20:10 Roger 126:18,19,19 roller-skating 15:18 rolling 13:19 Ron 129:21 Ronald 102:1 107:14,15,18 Ronnie 103:3,8,11 104:4 105:18 105:19 106:8,10 108:24 109:4 110:6 Ronnie's 105:16 110:6 112:20 room 31:8 39:20 69:11 74:10 79:12 95:13 97:3 98:19 rooms 59:7 95:6

rotten 80:8 roughly 123:8 **Route 79:5** rub 51:5.5 ruined 6:6 26:5 rules 15:22 rumor 9:12 run 26:11 31:18 32:4,8 47:21 60:24 61:8 62:18 89:19 113:14 113:14 running 26:2 39:20 48:8 63:9 64:7 103:6,7 105:15 120:12 132:10 runs 121:11 Rush 136:9 rushed 35:12 109:8 Ryan 99:14

S s 1:11 46:2 sad 6:13 22:21 82:5,7 138:17 sadness 141:19 safe 35:18 121:3 safety 132:13 sailor 99:20 sakes 52:18 Salem 92:10 salt 54:23 salute 86:9 saluted 96:23 same 6:3 7:20 10:16,19 23:14 50:15,15,19 54:24 62:12 68:6 101:13,18 110:18 111:6 114:8 114:11 116:22 128:14 141:17 Sanborn 144:2,15 sandwiches 36:17,18 sat 76:13 79:9,18,22 80:5,19 81:8 108:22 117:19 118:20 122:17 127:1 satisfaction 22:2 Saturday 8:21 129:10 save 127:24 saved 97:10 126:3 134:3 saving 39:22 savior 90:16 saw 5:16,20 7:7 12:2,4,24 25:24 35:11 36:24 38:8 46:4,11 64:23



seeing 81:24 108:11 109:16 110:16 122:7 seek 21:10 22:2 90:21 seemed 59:19 85:20 107:22 108:19 119:2 130:18 seems 21:24 seen 4:13 18:23 86:6 sell 81:18 Senate 30:23 Senator 1:12 2:4 51:10 56:6 senior 90:6 96:4 129:21 senseless 110:5 sensitivity 130:5 sent 4:6,21 16:20,21 28:22 113:23 130:3.10 134:4 136:23 sentence 97:1 sentenced 98:13 Sept 115:16 September 10:12 12:1,5,10,16 13:21 14:22 16:8,11 17:4 21:14 24:14 31:13 35:3 37:14,19 52:7 52:19 54:7 59:18,21 60:2,2,5,8 62:2 70:12 71:9 76:11 77:7,12 78:19 113:14 115:12 117:14 121:9 126:13 136:18,19,20 138:1.9 140:18 sergeants 60:4 served 96:19 service 10:11 20:17 27:16 30:1 71:9 95:22 140:18 services 1:1 2:3 70:12 113:12 serving 123:11 set 58:23 66:18 113:3 134:8 135:20 settled 5:3 settlement 10:21 32:14 57:15 104:20 125:5,6 138:22 seven 3:10 25:5 27:11 59:22 60:2 60:5 104:24 108:9 seventh 78:17 80:9 seventy-five 55:18 several 19:21 21:10 30:24 50:4 103:17 119:5 123:14 125:16 133:22 severe 131:13 139:19 141:7 severed 83:1 severly 10:24

sewed 74:1 shake 122:2 shakes 93:17 shaking 70:5 Shapiro 98:9,18 shared 113:19 shares 99:15,22 sharing 8:20,22 139:4 sharp 77:1 sharpening 67:22 shaved 39:11 shaving 105:22 Shawangunk 123:3 Shawshank 137;4 shedding 103:18 Sherburne 119:10 she'd 107:2 110:10 shift 43:19 105:24 shifts 43:22 shimmers 93:18 shingle 105:10 shirt 32:18 33:3 35:12 65:1,2 shirts 35:15 116:20 shiv 11:11 shock 6:12 14:6 62:16 64:20 102:11 109:21 shocked 57:16 shoe 131:13 shoes 48:3,3 82:6 shook 119:4 shoot 111:15 134:22 shooting 14:23 17:19 18:17 22:15 49:6 130:17 shop 12:1 16:11 25:4 47:14,16 52:8 70:8 118:15 shopping 23:7 122:3 short 51:16 55:8 60:3 117:20 shortage 129:6 shortcomings 55:6 **Shortly 47:17 117:19** shot 11:10 38:2 46:17 80:15 82:11 86:8 112:13 118:22 shoulder 63:3 92:19 shout 18:22 show 119:23 120:2,3,7 136:8,13 137:6 140:6 showed 51:14,18 131:12 133:15



66:13 73:20,22 82:3,8 84:2

93:18 105:16 108:15 109:9

136:12 137:3,4,5

112:23 120:22 122:22 126:16

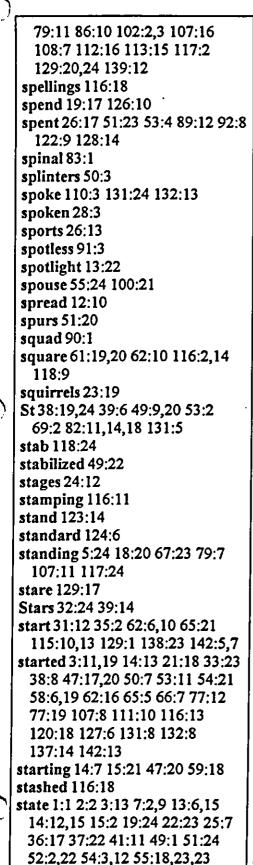
127:13 128:16,16 132:10 135:6



shower 129:8 shows 51:20 121:9 133:13 shuffled 81:6 shut 35:24 39:9 88:23 Sibley's 135:10 sic 71:10 114:2 sick 52:1,3 93:2,3 104:5 106:20 side 20:13 32:10 38:2,3 53:4 62:22 63:5 64:6 105:9 116:7 118:3 120:4 sight 39:7 sightseers 129:11 significantly 135:2 signs 14:20 silent 96:13 silently 122:17 silo 27:7 silverware 123:11,12 Simmons 78:18 79:7 since 8:15 15:15 42:1 51:12 55:13 73:3 86:7 91:14 112:17 122:8 125:8 141:14 singing 15:19 single 92:2 94:2 110:21 Sing-Sing 123:3 sink 6:8 sinking 107:7,17 sir 58:12 74:20 siren 79:3,3,3 126:22 sirens 16:19 65:11 120:17 sister 4:8,11,14,16 5:19 6:20 12:18 15:5 17:13 25:24 76:3,16 77:19 78:13 107:22 125:22 126:2 127:11 129:22 131:10 sisters 5:7 17:11 25:15,19 110:20 111:4 sister-in-law's 108:4,12 sit 19:20 26:12 27:14 79:20 123:13 sitcoms 14:5 site 51:15 sitting 18:20 28:14 79:2 92:13 situation 78:2 108:2 six 8:14 40:2,5 50:14 53:19 81:24 82:24 97:23 99:6 114:2 117:15 123:8 sixth 28:14 51:19 78:13

sixty 113:11 sixty-eight 138:11 sixty-four 76:19 sixty-two 56:23 skills 100:10 skipped 24:11 skits 120:5 skull 49:19 50:2 skunk 53:13 skunks 55:1 slain 10:12.16 15:13 75:24 97:2 slash 118:23 slave 135:11 sleep 93:4 120:13 128:23 sleeping 129:2 slept 48:4 92:12 128:24 sliced 23:9 slipped 118:8 slipping 61:4 slit 67:8 slow 2:12 slowed 67:10 slowly 43:10 small 13:9,18,20 20:17 54:12 130:1 137:11 smashed 32:17 34:4 37:10 40:4 smell 48:9 51:17 53:13 55:1 118:2 135:3 smelled 53:14 smiles 108:13 smiling 121:11 Smith 115:17 119:11,12,13 131:6 smoke 37:20 38:7,7 55:1 snotty 93:6 soared 55:17 sobbed 80:20 sobbing 108:18 social 55:20 78:15 86:19 136:9 society 90:3 96:18 138:18 soft 63:7 solely 123:23 some 3:19 5:1 8:16 15:8,18 18:24 21:6,14 27:2 29:19 30:9 31:11 33:22 41:15 42:8,9,12 43:6 47:8 47:8 48:14 49:24 51:3 54:10 76:14 82:14 88:16 90:20 95:5 102:19 110:3 123:12,15 128:15

135:14 136:2 141:13,15,21 somebody 28:1 65:2 69:7 70:21 74:9 78:22 81:13 84:19 87:7 94:19 105:2 109:6 130:19,24 somehow 91:16 92:4 97:8 130:14 someone 5:13 6:4 10:6 13:23 14:2 21:12 22:14 23:10 27:3,4 46:10 49:7 68:17 95:14 something 3:23 13:15 18:1.8.16 30:23 45:11 49:16 53:14 60:18 63:7.7 66:24 68:1 78:23 79:10 88:3 90:7 93:21 94:1 96:7 100:14 105:20 107:2,16 110:24 120:22 130:9 136:5 somewhat 28:11 somewhere 21:4 87:15 son 26:12 39:8 100:17 109:23 119:13 142:5 sons 141:18 son-in-law 54:4 soon 3:22 5:4,16 45:5 62:14 63:21 97:12 113:23 sophomore 96:4 sorrow 109:2 sorry 9:11 14:18,19,21 17:20,21 17:23 18:1 19:15 28:2,23 45:3 61:2 73:14 94:23 138:4 sort 46:8 55:1 67:10 107:1 soul 95:10 sound 130:8 sounded 64:10 sounds 22:10,12 28:17 soups 23:18 south 118:3 southerner 118:15 sparring 88:15 spatola 75:8,10,11,15,22 101:7,9 speak 2:10,13 6:5 10:6 75:16 speaker 1:12 2:5 30:22 142:9,14 142:19 143:1 speaking 76:2,3 special 11:1 29:2 78:2 137:7 spell 2:10 101:22 spelling 3:9 5:17 6:2 10:20,24 11:8 32:13 37:3 39:2 50:10 51:11 56:5 66:22 76:5 78:15



57:8,8,16,23 58:18 68:11,16,19 69:21 71:2,8 74:9 77:13 78:11 86:15,18 90:3,3 94:24 95:3,8,15 96:20,23 98:1,4,8,20 102:5,13 110:2 112:10 119:5.14 121:2 124:5,20 125:1,3,5 128:18 131:19 132:2,6,17,18 133:11 136:2 139:5,23 140:2 141:12 144:1,16 stated 98:9 112:13 144:5 statement 46:8 115:11 117:16,17 131:20 States 98:17 99:19 State's 69:18 station 92:14 93:12 stationary 83:17 stations 14:5 status 131:15 stay 5:11 43:3 48:15 53:6 82:2 84:17 stayed 4:12,15 8:5 43:6 80:2 82:17 116:24 117:13 125:23 staying 22:4 130:14 Steinberg 51:11 52:14 stenographer 2:11 step 54:11 76:13,13 step-grandkids 8:14 sticks 25:22 still 3:3 7:22 8:2 12:20,22 16:17 17:3 18:6,15 21:24 22:3,9,13,19 23:14,14 27:3,21 28:10 39:18 42:9 43:6 44:23 51:6 59:12 70:17 87:20 91:2 92:18 93:15,18 102:11,14 104:1 107:9 111:17 111:20 131:2 136:5 139:9,22 141:21 stitched 37:7,7 stitches 23:11 37:2.6 39:17 40:1 Stockholm 117:2 127:23 129:21 Stockholms 131:10 stolen 43:13 stomach 67:7 69:8 stood 3:20 4:2,17 38:4 120:20 stop 37:2,8 83:20 stopped 4:21 49:6 65:24 87:11 107:24 stops 55:23

stories 100:23 138:13,16 139:4,8 139:22 story 41:17 71:11 81:18 95:2 136:18,22 138:21 straight 23:1 53:10 70:8 89:21 strange 125:12 137:20 strap 92:19 street 115:18 122:7 129:12,12 streets 23:23 54:14 86:4 129:14 stress 123:17 stretcher 49:9 67:12 strip 47:21 Stripes 39:14 stripped 96:14 stroke 57:1 strong 40:3 49:20 53:3,22 57:5 82:18,21 85:14 109:16 stronger 53:18 struck 6:17 116:7 struggled 53:17 stuck 65:6 138:3 student 89:21,24 studies 78:15 136:9 stuff 139:9 Sturbridge 92:10 subconscious 49:1 subscribed 144:11 sudden 33:2 79:2 119:1 sue 57:7 69:21 70:24,24 86:17 114:1 suffer 102:20 suffered 82:22 102:22 122:3 123:24 131:14 137:24 141:7 suffering 29:12 42:11 69:22 71:6 104:13 113:17 125:7 140:13 sugar 54:23 suggest 10:15 suicide 112:9 sum 139:16 summer 3:14 59:16 92:7 Sunday 5:2 23:21 104:11 110:18 110:19,22 129:10 133:17 Sunday's 133:15 super 91:2 supervised 123:6 supervision 144:8 supervisor 127:6



supper 110:23 supplement 23:20,23 54:18 55:13 support 29:7 supposed 20:23 62:3 83:10 106:5 142:4 supposedly 45:16 sure 3:24 7:11 12:20 39:4 51:24 87:8 91:23 102:22 106:14 130:20 132:13 136:2 142:15 **Surely 98:19** surgeon 137:17 surgery 39:16 49:19 50:1,13 83:12 137:16 138:3 surprise 61:6 surprised 132:2 surrounded 48:5 survive 18:21 41:14 57:22 96:16 survived 24:9,15 30:6 40:17 41:13 42:1 121:14 134:1,12 139:17 surviving 15:14,14 97:6,11 survivor 47:15 97:3 survivors 1:3 95:16 140:15 141:21 suspension 26:18 sweat 60:24 sweep 119:2 sweet 79:13 swelled 67:6 74:12 swelling 49:24 Swift 66:22 67:11,19 68:3,7,13,20 68:23 71:17,20,21,22 72:13,14 73:9 switched 35:24 swollen 39:9,10 69:8 sworn 115:20 synonymous 124:12 system 10:19 128:22 138:19

T

table 67:24 tack 77:1 take 5:18 14:16 17:22 20:21 22:4 22:10,10,12 23:6,10,10,24 28:3 29:12 33:13 37:21 39:17 46:23 48:20 51:5 58:4 67:17 69:18

74:3 83:14 84:15 90:12 98:6 103:24 110:13 114:17 116:13 124:22 125:22 131:20 141:13 taken 3:13 5:15 12:2 15:20 16:10 24:18,19 38:24 47:1,18,23 49:9 50:22 53:2 58:7 66:10 67:3 71:5 75:24 78:5 80:14 82:11 96:18 106:8 114:21 117:7,8,10 127:23 131:4 138:3,9 takes 51:6 98:1 taking 8:24 9:24 12:24 15:18 51:3 56:19 86:15 123:11 talk 4:23 11:3 13:10 15:3 21:14 21:15,23 22:17 27:3 48:14 74:9 74:11,12 81:7 84:17,19,23 88:5 111:3 122:14,14 131:23,24 132:16 137:18 142:16 talked 12:24 118:14 139:19 talking 12:21 14:13 28:15 32:22 49:2 56:8 66:7 67:1 84:9 92:15 92:23 talks 136:18 tan 92:19 tantamount 97:1 tap 123:12 tar 138:3 task 1:4 11:6 50:8 108:7 138:12 taste 51:17 tasted 54:23 taught 94:7 103:13 **Taylor** 116:17 Taylor's 116:19 teacher 16:12 100:1 129:24 136:10 teachers 90:8 tear 103:18 119:3 121:12 tease 88:14 133:16 Technology 1:8 teenage 50:16 teenager 15:21 telegrams 130:3 telephone 17:6 52:9,24 Television 14:4 tell 5:20 6:12 17:12 26:8 42:18 49:8 64:6 65:16 69:20 71:11 79:21 84:10 87:13 94:22 95:2.3

100:3 109:12 121:21 124:2

127:5 131:21 133:24 138:13,15 138:20 142:18 telling 9:8 22:15 52:10 91:13 93:20 94:3 105:19 107:12 108:9 109:3 136:22 tells 77:10 temper 26:18 28:12 temperature 50:7 ten 44:19,19,20 55:21 77:23 92:8 109:3 119:21 tension 14:22 59:18,19,23 61:6,7 61:16.17 105:21 tentative 6:19 tenth 13:12 80:10 term 51:16 terrible 29:8 32:19 39:9 55:6 88:14 93:22 104:13 107:7 108:7 109:12 111:8 133:6 terrified 84:11 testifying 2:9 testimonies 46:1 testimony 2:8,23 10:8 16:3 47:6 52:6 76:7 119:9 123:23 Texas 110:8 thank 11:2 15:23,24 24:24 30:2,7 30:8,11,12 31:2 33:3 40:22 45:9 46:24,24 58:1,2,3 71:7,10,14 73:13 74:21,21,22,23,23 75:1,2 75:21 95:23 100:24 101:4,5,6,7 101:8 111:22 114:13.15.19 115:4,6 138:12 140:21 141:23 141:24 142:2,20 143:4 thanked 39:22 thankful 70:18 89:16 thanks 40:16 71:12 their 4:15 7:19 8:13 9:7 10:21 14:5,11 17:22 21:7 22:21 26:7 35:7 41:2 46:1,2,11 52:18 57:15 60:15 62:3,5 63:2 65:23,23 71:6 77:17,21,22 79:4,5 81:17 93:7 94:23 96:13,15,17,18,23 97:12 98:5 102:8,21,23,23 108:8,10 111:4 113:19 116:11 120:5 122:17 123:11,13 124:20 125:7 126:2,3 133:23 134:10 135:15 136:1,16 137:10 138:16 139:4 140:7,17 141:9,11,15



T34:22



themselves 92:5 131:2 they'd 133:17 thing 21:5 22:1 25:22 27:19,21 33:23 40:1 41:1,3,6 59:12 62:20 68:6 69:18,19 73:22 74:7 79:8 79:15 87:24 109:13 110:21 111:1 114:8 133:6 138:24 things 5:3 8:6 9:17 27:12 43:12 54:15 80:23 81:3 89:18 111:22 120:10 132:7 134:10 think 4:5 11:1 12:12 15:13 19:13 19:20 21:4 24:6,20 29:8 33:7,20 40:24 41:4,11 42:2,6,12 43:15 44:18 48:12,12 54:15 64:12 66:13 68:19 73:4 74:6,10 80:24 85:7,10 87:19,23 88:14 98:3 105:1,4 106:3,6 107:15 108:8 109:6 110:11 112:19 125:12 130:23 133:8 135:22 138:17 142:8 thinking 23:1 66:14 120:21 128:20 129:2 third 48:3 90:23 thirteen 77:11 thirty 8:15 9:15 18:7,16 24:10,16 35:20,24 36:14 95:4 thirty-eight 39:17 40:1 thirty-one 97:9 98:4 thoroughly 102:12 though 16:16 21:22 54:24 71:11 88:19 100:24 129:11 139:7 thought 7:18 8:3 9:4 35:18 39:4 48:9 50:23 54:1,9 63:6 79:20 80:1,9 83:8 90:15 91:7,17 94:5 99:10 102:15 103:2 104:9,20 105:9 108:1 111:17,20 114:7 117:1 133:5 136:5 137:20 thoughts 16:6 17:17 thousand 97:24 113:11 119:2 threatening 118:17 three 31:20,20,20,21 33:18 38:8 40:3 51:6 59:3,22 63:19 82:22 82:24 93:12 108:8,11 110:9 116:4,5,8 three-month-old 139:13 threw 94:1 126:24 throat 38:5 118:23

throats 102:8 through 4:7 11:16 12:10 14:6 22:17 24:11 26:13 27:3,3 33:9 42:3,11 47:18,22 55:6,9 61:18 62:10 65:6 68:14 76:13 81:1,2 82:13 92:9 95:14 97:10 106:20 107:18 108:3,12 112:6 116:12 120:17 123:10,21 127:16 137:10 139:2 144:7 throughout 56:10 136:16 throw 21:3 26:1 Thursday 49:24 120:13 Thursday's 128:21 tidbit 88:16 tied 36:12,12,21,22 38:15 48:1 till 36:23 82:2 time 6:3,14 7:18,20 8:4,7 9:24 12:4 14:6 16:19 17:10,13 19:13 19:13,13,14,15,17 20:21 22:4 25:6,19 26:17 27:23 28:9 40:7.8 40:12 45:16 47:12 50:20 52:3 60:17,23 61:19,19,24 62:13 63:24 65:10,10 67:14 68:4,4,7 68:11 70:7,11,13 73:1,17 76:22 77:2,24 79:1 83:7 85:7,11,16 86:8,12 90:10 92:2 102:17 103:24 104:10 105:23 106:3 108:23 112:9,10,21 114:13 116:22 117:13,21 119:24 120:7 120:24 122:1,15 123:15,20 124:9 126:13 127:22 128:12.17 132:4,19 134:13 136:19 137:7 137:20 138:14 139:14 141:12,20 144:4 timely 106:15 times 3:9 19:19,21 21:12,13 24:12 28:24 51:6 62:10 87:14 91:24 113:20 114:9 116:2,8 122:20 tingle 51:21 Tiny 66:22 67:11,19 68:2,7,13,20 68:23 71:16,19,21 72:5,13,14 73:9 tipped 64:2 tired 120:11 titled 136:15 today 2:3,7,9,11 8:12 12:22 16:17 27:3 42:21 47:3,7 51:22 60:9,16

70:7 105:2 109:7 110:4 115:5 124:4 133:20 139:19 140:9 142:4.6 together 36:12,13 51:13 57:5 74:2 100:8 103:12 108:16 109:19 110:20 122:9 toilet 115:22 told 2:13 3:23 4:13,24 5:2,10 6:3 6:4 7:2,13,22 9:10,24 10:1 11:15 12:19 13:1,23 14:2,18,21 15:5 17:8,11,14 19:21 20:7,14 29:1 38:2,5 47:20,21 57:7 60:11 62:5 69:5 76:17 78:1 79:23 80:4 83:16 86:16 88:22 89:2 90:18 102:7 103:8 107:20 108:1 112:7 112:17 117:24 118:21 121:22 122:20 124:21 127:2,5 130:11 136:4 139:11 tomatoes 126:21,24 tomorrow 142:5,8 ton 25:12 tonight 142:10 top 48:24 118:11,18 119:4 torso 131:13 torture 42:4 toss 88:16 totally 57:15 86:23 96:9 touch 7:2 134:5 tough 107:4 tour 59:22 towards 59:20 116:4,14 119:6 towel 48:19 49:15 tower 32:3 134:8.19 town 13:22 59:8 120:17 129:6,10 129:16 130:1,24 137:12 Townsend 142:5 tracheostomy 84:18,20 Tracy 101:24 trade 113:2,6 tradition 99:20 traffic 93:13 129:12,13 tragedy 9:14 110:5 112:15 123:24 tragic 139:4 training 58:21 59:1,3,15 105:4 tranquilizer 70:6 tranquilizers 70:4 transcription 144:6





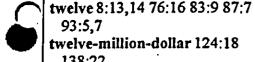
transfer 119:17 transferred 59:4 77:14 82:18 transported 49:20 trauma 140:15 traumatic 95:18 140:12 **Travis 99:18** treat 14:12 treated 15:16 38:20 40:8 94:16 131:7 139:5 treating 94:15 treatment 29:2 114:11 138:8,18 tree 6:17.17 tremendous 95:12 trench 118:8 trenches 118:4 trial 139:1 tribute 30:4 tried 20:6 21:9 32:21 45:22 51:1.1 52:18 76:9,13 84:19 94:12 trim 105:8 trips 8:23 15:19 troopers 40:13 98:14 107:24 trouble 14:20 26:16 28:13 110:12 110:13 116:1 126:23 127:3 130:13 truck 20:12 true 17:13 18:14 112:12 130:21 133:5 137:19.21 144:8 truly 123:16 truth 19:2 29:17 42:18 130:11 try 16:24 67:5,13,20 68:3 75:16 76:8 83:23 89:5 98:24 100:20 103:22 104:1,8 trying 5:24 13:16 29:21 33:22 50:22 57:20 61:3 69:24 84:17,23 84:23 85:1 89:13 91:14 127:24 128:8 tubes 53:10 84:13 tunnel 116:12,13 118:11 119:4 turn 8:24 24:22 98:6 128:7 turned 22:8 28:19 55:21

twelve-year-old 84:4 89:6 twenties 113:10 twenty 3:5 twenty-eight 56:7 57:2 twenty-five 13:12 51:7 twenty-foot 27:7 twenty-four 116:24 twenty-nine 60:3 twenty-one 86:8 twenty-seven 119:19 twenty-three 13:8 twice 55:22 twist 96:8 two 6:22 11:11 13:9 20:7 28:15 29:20 30:14 32:23 34:5 36:16,16 36:22 43:9 45:6,17 48:17 49:23 50:15 53:4,5 55:19 59:3,5,9 60:4 60:13,19,24 61:2,8 80:18 83:12 91:1 101:23 105:2 108:18,22 112:7 113:21 118:12 121:9.20 122:7 125:10,23 126:1 127:13 128:4 131:19 134:12 143:1 **Tyo 37:3** type 10:2 76:20 96:22 97:16,20 typewritten 144:6 typo 117:18 T's 101:23 T.V 5:21 6:11 18:15 39:13 81:8 128:16 137:8

Uh-huh 71:23 74:4

uh-oh 33:4 34:12 unable 56:1 137:22 unbelievable 139:5 uncle 3:6 11:4 12:17 13:1 20:10 20:13 53:6 102:2 103:1.15.19 104:10,12 105:4,17 106:8,11 109:23 110:6 125:15,22 126:8 uncles 5:7 108:16 uncle's 125:20,24 uncomfortable 87:1 uncommon 53:9 unconscious 32:23 116:21 135:19 under 32:14 43:23 102:22 111:11 116:23 144:8 underneath 92:22

underpass 107:24 understand 12:20 19:15 53:21 70:17 76:18 84:22 85:4 106:12 123:19 understanding 55:5 understood 53:24 62:23 undertaker 6:24 7:3.6 underwear 47:21 underwent 137:16 undone 91:5 140:13 unease 14:13 uneasy 7:12 123:16 unfairly 15:16 unforgiving 95:14 **Unfortunately 121:23** unfulfilled 113:16 **UNIDENTIFIED 142:9,14,19** 143:1 uniform 20:8 86:6 unison 123:12 unit 82:21 84:15 United 98:17 99:19 unknown 6:10 118:21 unless 135:21 unlock 35:22 unlocked 34:5 unmarried 113:10 unpleasant 50:8 unpopular 130:6 unprecedented 140:2 unrest 127:3 until 5:11 13:7 39:5 53:7 55:12 56:22 60:11 91:1.19 106:13 110:19 116:24 119:17,18 128:11 135:18 upper 131:13 uprising 16:14 76:1 96:10 124:3 124:15,18 125:8 upset 103:8 126:17 upstairs 109:9 118:10 121:16 uptight 60:23 urge 95:15 97:5 use 7:18 used 10:20 14:4 27:8,11 43:9 52:3 83:23 88:5 109:16 132:21 133:15 137:10 using 10:19 118:15



turns 8:24

138:22



usual 41:20 52:8 usually 87:16,24 120:22 utility 117:10

vacation 3:12 16:8,15 25:5 92:8 93:5 127:11 vacations 23:24 Valone 50:9 valuable 91:15 94:7 values 94:12,14 Van 142:5 vanilla 54:24 variety 119:23 120:3 vehicles 79:4 verbal 88:15 118:17 vertebrae 51:18 very 7:12 22:19,24,24 24:3,13,15 31:2 41:10 46:24 50:3 53:7 55:5 59:19 61:7,7 70:2 71:14 72:17 72:17,17 73:14 75:3,3,18 76:6 76:10 77:2 79:13 82:24 87:6,16 87:23,23 91:11 93:8 95:7 96:18 99:12 100:4,5 101:6,6,6 103:20 103:20 107:3 108:17 109:16 111:2 122:12 131:10 138:14 140:2,4 142:1,2,20 vicariously 42:10 vice 89:22,22 98:17 Vickie 114:22 115:14 victim 113:2.9 victims 2:9 24:22 95:21 101:2 104:21 113:7 114:3,8,11 124:13 124:19 139:2,24 140:16 video 121:8 Vietnam 39:14 view 7:2,3 11:7 18:9 viewed 7:6 viewing 11:9 vigil 4:17 village 13:10 92:10 vines 92:20 violence 40:10 92:5 visible 10:4 11:13 visit 69:5 85:8 134:1

visits 128:17 132:17 vividly 93:11 vocalize 135:7 voice 29:19 79:13 84:20 volker 1:12 2:5 30:11 45:10 51:10 56:6 vulnerable 89:12 V-I-C-K-I-E 115:14

W

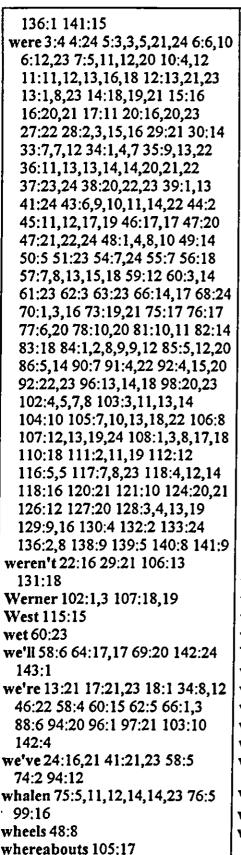
W 11:7,20 35:4 wagon 92:14 93:12 wailed 120:17 wait 37:15 38:16 49:23 127:12 waited 5:15 42:23 80:5 85:9 131:3 138:14 waiting 4:24 5:7,12 12:15 37:23 38:22 60:24 128:14 waiving 86:17 wake 129:5 walk 99:4 137:12 walked 20:20 28:21 34:15,23 36:10 80:7 89:8 120:16 132:22 135:9 Walker 5:16 walking 17:6 39:18 60:14 62:13 **Walkly 56:5** wall 54:5 64:2 wallet 117:9 walls 20:2 27:10 59:13 67:22 116:17 134:15 want 13:11 16:13 17:24 18:1,22 19:5 24:6,14 27:12 29:20 41:9 43:8 45:21 61:13 66:9 68:9,20 70:23 75:19 85:2,3 88:9 89:4 94:15 99:9 102:10 107:4 135:20 135:21 136:12 wanted 27:13,21 51:24 66:8 76:9 77:22 81:7,14,16 84:10 88:12 92:3 93:4 96:6 98:21 99:12 131:15 133:24 135:1 wants 15:4 warden 125:15,19 warden's 125:17 warm 63:7 warranted 93:8 Warsaw 4:9 11:9 12:9 20:6 39:16

39:24 109:8 131:6 wasn't 28:18 50:18,19 52:23 54:10 56:18 77:3 83:17 86:2 87:16 91:12,19 94:8 99:5 103:16 106:5 108:13 109:15,20 111:13 133:19 135:6 136:6 wasted 26:20 watch 18:13,16 27:14 117:10 137:3.6 watched 7:12 53:16 91:24 watching 8:21 water 25:24 126:23 129:6 Watkins 116:4 waving 65:1 way 7:20 9:11 13:4 14:13 23:14 27:4 33:6 49:13 53:13 56:14 61:19 69:2 79:4,5 80:20 83:19 85:22 86:15 91:17 94:15 95:4,23 96:7 100:9 109:8 110:12 126:2 127:11,15 Wayne 108:6 109:22 ways 99:10 weaker 64:20 weapons 48:9 67:22 132:4 wear 48:2 87:9 weary 131:10 Wednesday's 113:1 week 14:2 25:5 42:23 55:11 59:9 weekend 105:18 weeks 26:21 53:4,12 59:3 77:14 weight 66:6 welcome 2:7 114:20 115:9 well 11:13 26:3 28:18 32:1,12 34:13,14,22 37:4 40:5,8,18 45:19 56:12 67:20 75:18 88:6,8 88:21 90:16 93:9 103:8,9 109:1 126:8 133:21 135:17,19,20 137:21 142:22 went 3:18 4:10,16 5:9 6:18 7:1 8:1,4,4,6 9:23 12:3 15:5 16:9,16 16:19 17:19 20:9 26:21 27:15 33:17 34:24 37:6 39:16 42:3 43:1 48:24 49:24 51:2 54:18 57:10 63:6,22 64:18 65:11 77:8 78:21 79:1 90:17,19 92:9,11 99:24 112:5 121:2 126:1 127:5 128:5 131:10 132:3,10 134:2,7



visited 134:2

visiting 3:6



WHEREOF 144:10 while 3:20 4:16 7:10 12:23 18:20 39:1 43:4 48:7 52:16 59:14 63:11 64:2 79:22 88:16 116:13 118:11,16 140:22 141:21 whisper 84:21 whistles 3:19 22:11 white 32:18, 19 35:12 42:21 62:21 65:1,2,23 67:24 whole 34:5 85:8,10,16 95:19 110:4 112:3 117:13 126:3 130:12 whoosh 93:15 widow 3:2 7:19 70:22 71:4 widows 10:17 24:8,19 29:9 41:22 97:6,11 widow's 17:21 wife 38:22 39:4,8,10,12,22 42:20 47:9 50:7,15 52:10 56:14 59:10 69:4 74:10 104:12 105:16 110:7 112:20 125:18,18,20 129:24 Wilke 112:16 William 75:23 98:12 willing 24:5 77:3 win 88:8 window 86:10 windows 78:20 winner 75:19 winning 90:8 winter 54:17 wisdom 83:5 wish 16:16 26:19,24 125:4 141:19 wished 40:18 wishes 123:1 wishing 141:1 **WITNESS 144:10** witnessed 95:6 woke 117:15 woman 89:3 91:2,13 135:13 wonder 93:1,2 138:7 wondered 133:10 wonderful 39:7 41:1 63:7 87:18 91:13 99:6 Woodburn 119:16 wooden 47:24 48:18 word 61:7 70:5 71:12,12 79:9 118:15 120:19 122:12 123:13

words 28:3 119:8 122:10,12 wore 85:23 work 3:15,18,19 4:16 8:5 9:23 12:3 16:9,15 32:11 42:15,18,20 44:17 47:16 50:14,15,21 51:6 53:20 54:18 77:8 82:15 92:17 97:20 106:22 120:6,11 121:2 127:4 130:13 134:7 135:9 138:20 worked 3:9 11:24 12:1,9 13:9,14 16:11 27:6 43:15,21 56:21 70:15 72:23 77:14 79:16 89:1 92:20 100:4 102:3 104:23,24 105:4 109:17 116:10 119:19 121:7 123:5 133:14 workers 57:18 Worker's 113:18 working 52:8 58:19 65:15,17 106:5 120:5 123:3,4 135:8 Workman's 44:4,10 52:2 55:10 55:15 73:16 124:22 Workmen's 86:13,20 workplaces 140:11 works 63:3 world 88:11 89:13 96:1 113:2,6 124:8 worried 85:12 109:14 111:9 129:18 worry 23:2 29:3 69:17 worse 25:23 28:10 89:18 104:15 124:16 worshiped 89:7 worst 55:22 70:11,13 106:10 110:14 128:19 worth 91:15 worthy 125:6 wouldn't 13:15 19:4,5 29:3 76:8 78:7 80:4,18 88:23,24 89:1 107:3 111:18 112:11 114:7 128:23 131:21 132:7 135:2,19 140:8 wound 7:4,7 10:4 wounded 89:11 91:20 wounds 11:10,16,18 39:17 43:5 46:4,12 77:4 82:22 102:9 133:8 Wow 132:24 wrapped 65:8



wrestling 26:22 134:14 140:12 write 47:11 54:22 96:5 99:12 yelled 86:1 90:17 103:24 yelling 64:8 116:2 writing 47:12 york 1:1,9 2:2 11:9 20:6 54:3 written 18:12 57:17,23 58:17,18 59:4,5,11 wrong 17:17 49:16 90:23 93:21 60:1 69:3,17 71:2,8 74:9 75:16 99:1 77:13 90:3 95:1,8,16 96:20,23 wrongful 86:18 98:21 102:1 114:7 115:18.20 wrongs 95:3 141:20 119:10,14 124:5 136:3 139:23 wrong-doings 28:6 141:13 144:1,16 wrote 103:21 122:21 133:22 young 62:23 90:9 99:16 135:13 Wyoming 13:19 38:23 younger 12:18 27:5 30:14 youngest 99:24 112:20 Xanax 51:4,6 x-rays 51:18,20 138:9 zero 55:21 vanked 64:1 118:8 1 144:5,7 yard 3:19 32:11,11,13,21 34:21 10th 4:22 34:22,24 35:7 36:10,10 40:13 10:02 1:9 41:24 48:7,18 62:1,4,9,12 63:17 11th 24:14 113:14 136:18,20 66:16,18 67:15,21 68:14 115:22 12 1:9 116:12 117:24 118:9 13th 10:13 12:5,16 14:22 16:11 yards 38:9 17:4 21:14 25:23 37:14,19 52:19 yeah 27:24 28:18,20 31:9 72:8,13

71:9 76:11 85:14 106:22 115:12 115:16 117:14 121:9 131:20 138:9 140:18 14th 9:22 143 144:7 147 115:17 16th 58:20 1953 119:18 1970 58:20 1971 3:4 10:13 11:24 12:7 13:21 16:11 52:7 54:7 55:10 76:11 77:7,12 85:14 115:16 117:15 126:13 141:14 1973 13:9 1977 15:5 1979 119:19 1980 56:7 1980s 55:13

1981 52:1 55:10.17

1990s 55:19

1993 56:23

1999 55:18

2 2000 51:20 2002 1:9 144:12 3 **3:12** 143:5 35th 1:13 4 44 11:18 5 **52** 119:15 59 103:22 59th 1:12 71 57:12 59:17,18,21 60:8 8th 59:21 60:8 62:2 9th 3:15 9:22 12:1,10 16:8 31:13 35:3 52:7 60:2,3,5 77:7 99:21 131:14 138:1 93 27:20 9427:20

95 137:16

98 79:5

99 13:9



72:16,21 73:2,6,8,9,9,10,11

year 3:11 13:13 19:8 20:2 21:12

21:13 26:23 30:3 40:2 70:13

108:13 112:22 113:12 123:9,14

years 6:22 8:15 9:4,15 11:24 13:8

14:14 16:12,18 18:7,16 20:22

21:22 24:10,16 25:6 26:10,21

28:3 29:14,24 40:3,19 44:17,19

44:19,20 51:1 55:7,21 56:7,11

57:2,21 76:16,19,23 77:12,23

83:3,9 87:7 88:4 89:12 90:21

100:13 103:17 104:24 105:2.5

110:14,19 112:5,7 119:20,21

122:13 123:2,5,12,13 124:16

125:10,16 126:6 130:6 134:13

93:6 94:10 95:4 97:9 98:4

87:3 89:3 93:7 95:22 96:4

74:19 106:2 142:14

130:10 139:10

yearbook 90:6

yearly 19:12