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	NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES
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3	THE FORGOTTEN SURVIVORS OF ATTICA
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	ATTICA TASK FORCE
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8	MINUTES OF HEARING held at the Rochester Institute of
	Technology, Auditorium, Jefferson Road, Rochester,
9	New York on August 13, 2002, commencing at 9:35 a.m.
10	
11	BEFORE:
	Glenn S. Goord, Commissioner
12	Arthur O. Eve, Deputy Speaker, NYS
	Assembly
13	Dale M. Volker, NYS Senator, 59th
	District
14	Jeffrion Aubry, Member of Assembly,
	35th
15	District
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- 1 COMMISSIONER GOORD: I am Mr.
- 2 Goord, Commissioner of New York State Department of
- 3 Corrections. Joining me today is Jeffrion Aubry,
- 4 Dale Volker, Senator Dale Volker, and Deputy Speaker
- 5 Arthur Eve, on time.
- 6 Let's proceed. The next speakers
- 7 will be: Betsy Hardie Van Son, Susan Hardie
- 8 Townsend, and Robert Van Buren. I thought you all
- 9 three were coming.
- 10 UNIDENTIFIED SPEAKER: No.
- 11 COMMISSIONER GOORD: I'm sorry
- 12 about that.
- MS. TOWNSEND: Just a slight
- 14 correction, I'm not a Susan.
- 15 COMMISSIONER GOORD: Sorry. Sue
- 16 Hardie, thank you. Good morning.
- 17 morning.
- MS. VAN SON: Hello. My name is
- 19 Mary Ellen Betsy Van Son. I am the daughter of Elmer
- 20 Hardie, a hostage who was killed by gun fire during
- 21 the retaking of D Yard on September 13th, 1971.
- 22 Since that time, my dad's death has been labeled as
- 23 being at the hands of the inmates, his throat was
- 24 cut; justifiable homicide, by then Governor Nelson



- 1 Rockerfeller. And just recently portrayed as
- 2 inevitable by Senator Dale Volker in an interview
- 3 following the morning session of the hearings in
- 4 Albany, when he stated that, "While mistakes were
- 5 made, the hostages would have -- would have been dead
- 6 anyway, at the hands of the inmates." A statement,
- 7 Senator Volker, that I would find appalling coming
- 8 from anyone. But especially so from a man who has
- 9 repeatedly claimed, has been working for us for over
- 10 thirty years.
- I was eleven years old, and in the
- 12 sixth grade, in September 1971. We were sent home
- early from school on the morning of the 9th. The
- 14 next few days are a blur, with the exception of
- 15 hearing my dads name broadcast over the radio as
- 16 being a hostage. The morning of the retaking, I sat
- in my room, praying that dad would come out all
- 18 right. He had to. I needed him. I was eleven years
- 19 old. He was my world. The next thing I heard was my
- 20 sister Judy. She was crying so hysterically that I
- 21 thought she was laughing. As I went down the stairs,
- 22 she came to me and told me that Dad was gone. They
- 23 had just heard it. No one came to our home before
- releasing the information to the news media. My
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- 1 family heard that my dad was listed as one of the
- 2 dead hostages from the news media. My older sister,
- 3 Donna, heard it in the hallway at work as she was
- 4 going from one office to the next. She'd felt she
- 5 should go to work, as she worked at Batavia, because
- 6 she knew that's where Dad would be taken when he was
- 7 released from the yard.
- 8 At least I was with my family at
- 9 the time we heard it. She was at work, alone. My
- 10 oldest brother had the unenviable task of coming home
- 11 and informing my mother that Dad was dead. You see,
- 12 he had been inside the walls with the volunteers who
- were feeding the troopers and officers, so that he
- 14 could find out as much as possible. So that he could
- 15 be close at hand when Dad and the other hostages were
- 16 released. Because of his being inside, he was given
- 17 access to an area where they had taken the deceased
- 18 hostages, and he saw my dad.
- 19 My mother received a phone call
- 20 saying that Dad was alive. And that they were taking
- 21 him to the hospital. Even though he was sure it
- couldn't be, my oldest brother went back to the
- 23 prison. This time he was not allowed access. But he
- 24 did manage to find someone who confirmed that Dad was



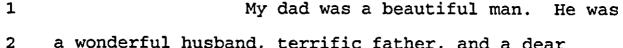






- 1 not on the way to the hospital, that he had not
- 2 survived. Once again, my brother had to go back home
- 3 again, and inform my mother again that Dad was dead.
- I don't remember a lot about the
- 5 days that immediately followed, or how many there
- 6 were between Dad's death and when I saw him at the
- 7 funeral home. He looked like he was sleeping. Just
- 8 like he had so many nights on the couch. I wanted
- 9 him back so badly. I wanted him to sit up and say it
- 10 was all a joke. Just a silly prank. I don't think I
- lasted more than two minutes in that room. But it
- 12 seemed like it took forever to get out, because I
- 13 · couldn't breathe. I couldn't believe how heavy my
- 14 chest felt. I couldn't believe how angry and alone I
- 15 felt.
- Things were very different --
- 17 different for us after the riot. My mom was so sad,
- 18 and angry. I was sad and angry. I needed someone to
- 19 talk to, but all my friends stayed away from me.
- 20 Many years later they said they didn't know what to
- 21 do or say. Of course they didn't, we were eleven
- 22 years old. I spent many nights crying and asking
- 23 why -- why I was hurting. And I couldn't believe
- 24 that this had happened.





- a wonderful husband, terrific father, and a dear
- 3 friend. He was involved in his family, with his
- 4 friends, in the community, in the school, and in the
- 5 church. If you needed a hand, you could call Elmer
- and he'd be there in a minute with a smile and a
- 7 helping hand. He loved to joke, and he had a
- 8 devilish grin. When he started working at the
- 9 prison, his personality came through in the metal
- 10 shop. He felt compassion for the inmates that worked
- 11 for him. He would ask my mother to make Christmas
- 12 cookies and treats for them on special occasions,
- 13 because they had no one. This is the man that the
- 14 state of New York has chosen to dismiss.
- My mother, along with the other
- 16 widows, was told that the State would take care of
- 17 us. And it seemed like they were going to, as
- 18 representatives from the State were out in record
- 19 time, visiting the widows and having them sign
- 20 papers. Within weeks the first checks were received.
- 21 They were also told they shouldn't discuss any of the
- 22 details with anyone, for fear that it would hurt
- 23 their case. Looking back I see now that the State
- 24 was just making sure that their case would be secure.







- 1 That by making these women believe that silence was
- 2 necessary, they would never discuss what was going
- on, and learn just what the state was up to.
- 4 My oldest brother grew suspicious
- 5 and spoke with an attorney in Buffalo. However, by
- 6 the time my mother was able to speak with this man,
- 7 she had already cashed two checks. He told her not
- 8 to accept or cash any more. A very difficult thing
- 9 to ask of a woman who had just lost her husband and
- 10 still had young children to provide for. You see, my
- 11 mom didn't have a job outside the home. And even
- 12 though the amount she had received from the State was
- 13 minimal, it was something.
- In the '80s my mother was informed
- 15 that since she had stopped taking the checks sent by
- 16 the State, she would again be afforded the
- 17 opportunity to take her case to court. She paid back
- 18 the money from the, I believe it was two checks she
- 19 received from the State. That's right, my mother
- 20 paid all the money back that she had been given, to
- 21 the State -- given to the State Insurance Fund,
- 22 because she was told this was necessary in order for
- 23 her to proceed. Hours of court time later, she was
- 24 again denied her day in court; through more speedy







work by the State of New York.

2 What has life been without -- life

3 without my dad? Well, I've missed him terribly at

4 all of the important times in my life. The day I got

5 my license, graduated from high school, my wedding, I

6 still find it difficult to stay at a reception when

7 the father/daughter dance is played, and the birth of

8 my two sons. And I've missed him terribly at the

9 ordinary times in my life. A beautiful sunny day,

10 scary thunderstorm, the sound of the crickets at

11 night, a gorgeous sunset. I've missed him as any

12 daughter would miss her dad. Whether he's taken at

an early age or after a full life. There's nothing

14 extraordinary about a daughter missing her father.

There is however, something

16 extraordinary in missing my father, in that he was

17 taken from me to -- due to arrogance, neglect,

18 politics, and a callous disregard for human life by

19 his own employer.

I refuse -- I refer to arrogance

21 and politics, this is despite the fact that there

22 were corrections officers overlooking D -- D yard

23 within a short period of time after the riot began,

24 ready to take the yard back. They were told to wait,



- 1 because Albany wanted to negotiate. How arrogant
- 2 that these so-called leaders felt better equipped to
- 3 deal with this situation that the men who had been
- 4 trained to do so.
- 5 I refer to politics because
- 6 Commissioner Oswald was given an order from the
- 7 Governor's office to negotiate.
- 8 I refer to a callous disregard for
- 9 human life because these men were being held in the
- 10 yard, with no way out, by inmates who had not
- 11 harmed -- who were not armed with guns, and who had
- 12 not hurt any hostages since the initial day of the
- 13 riot. Why would the State feel compelled to surround
- 14 the yard with armed state troopers and corrections
- officers, who went home and got their own personal
- 16 weapons, drop tear gas, and begin shooting. After
- 17 all, it was their idea to negotiate, so why not
- 18 continue? Where was anyone going? I also believe it
- 19 was a callous disregard for human life because of the
- 20 statements -- statement I quoted earlier by Governor
- 21 Rockerfeller when he referred to the deaths of the
- 22 hostages as justifiable homicide. How can the State
- 23 continue to deny any culpability in the retaking and
- 24 outcome when the hostages were killed by bullets and





- 1 the troopers and officers were the only ones with
- 2 guns. Isn't homicide a crime in New York State?
- 3 Wasn't the retaking ordered by New York State? Why
- 4 isn't New York State accepting disability --
- 5 responsibility for this?
- I've heard a number of times that
- 7 this happened a long way -- happened long before the
- 8 current administration was in office. What does that
- 9 have to do with anything? Wrong is wrong, Dad is
- 10 gone. You're in a position now, to make a
- 11 difference. To take a stand for what's actually
- 12 correct, not just politically correct. If you think
- 13 that murdering innocent people and then ensuring that
- 14 they will not -- their families will not be provided
- 15 for through deceitful means is appropriate, then you
- 16 can turn your heads and go back to Albany, and tell
- 17 the governor -- tell Governor Pataki that we don't
- 18 need any more than we've gotten. Which is basically
- 19 nothing.
- However, if you're conscience
- 21 should get the best of you, and you allow yourself to
- 22 see our situation with your heart, instead of through
- 23 the eyes of a politician who's trying to protect the
- 24 government, that for over thirty years has been



- 1 trying to silence us and make us go away, you will
- 2 recommend that the governor grant us our five point
- 3 agenda. Thank you.
- 4 COMMISSIONER GOORD: Thank you very
- 5 much. Any questions?
- 6 MR. EVE: Let me just -- let me
- 7 just say this. We're here to a great -- to a great
- 8 degree because of Dale Volker. Okay? I want to
- 9 make -- make that very clear. Dale has been an
- 10 advocate, and I'm -- I'm sure the governor would not
- ll have done what he's doing without Dale pushing and
- 12 making it happen. I'm in hopes that you will be
- 13 satisfied with our recommendations, whatever it might
- 14 be. I have no idea what it will be. But I hope the
- 15 families will be satisfied.
- You say that your mother gave the
- 17 checks back, two checks back, so that she could sue.
- 18 What happened when she tried to sue, that second
- 19 time. You didn't -- you didn't explain it.
- MS. TOWNSEND: I will address that.
- 21 . MR. EVE: What?
- MS. TOWNSEND: I will address that,
- 23 also.
- MR. EVE: Okay. I'm sorry. Okay.

- MS. TOWNSEND: That's fine.
- 2 MR. EVE: Yes. Go ahead. Who --
- 3 whoever can best address that.
- 4 MS. TOWNSEND: Okay. After they
- 5 told my mother she had to sign over all her rights to
- 6 workman comp in order to continue her suit, which she
- 7 was -- which she did. She signed over all her rights
- 8 to the workman comp that had not come to her. And
- 9 then, shortly thereafter the -- the State of New York
- 10 threw the case out of the courts. So she was left
- 11 with nothing.
- MR. EVE: Okay.
- MS. TOWNSEND: She never -- she
- 14 never got any workman comp.
- MR. EVE: After that?
- MS. TOWNSEND: The checks she did
- 17 get she returned after they coerced her into signing
- over all her rights to the workman's comp, the court
- 19 was -- the court threw the suit out. So she never
- 20 got anything.
- MR. EVE: So she -- the workman
- 22 comp checks did not start back once the --
- MS. TOWNSEND: No.
- MR. EVE: -- suit.

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1	MS. TOWNSEND: No.
2	MR. EVE: So she has not.
3	MS. VAN SON: She has never
4	received a penny.
5 ·	MR. EVE: She has never, ever?
6	MS. TOWNSEND: No.
7	MR. EVE: The families that
8	received a hundred and twelve every two weeks, she
9	did not get any of these, over the thirty one years?
10	MS. TOWNSEND: No. She stopped
11	accepting the checks, turned the checks back in, and
12	then they never started again.
13	MR. EVE: Okay.
14	MS. VAN SON: They told her to
15	continue with her suit she had to sign over all
16	rights to those checks. So, she did what she was
17	told and then they threw the suit out.
18	COMMISSIONER GOORD: Sue?
19	MS. TOWNSEND: Good morning. My
20	name is Sue Tonwsend, I am the third child and eldest
21	daughter of Elmer and Betty Hardie. My dad was a
22	wonderful man, a loving husband, and the best father
23	any kid could ever have. He loved to clown around
24	and make people laugh. And you're probably going to



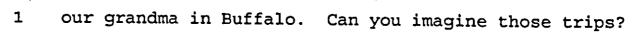
- 1 hear me repeat a lot of the things Betsy just said.
- MS. VAN SON: Even though we did
- 3 not write together.
- 4 MS. TOWNSEND: He always had a -- I
- 5 don't know of anybody that didn't like my dad. He
- 6 always had a smile on his face, and loved life. Just
- 7 last Thursday when Mom and I were shopping at the
- 8 local Jube (phonetic spelling) in town, we -- we ran
- 9 into an old friend of Mom and Dad's from Berrysburg
- 10 (phonetic spelling). My gosh, it had been fifty
- 11 years since they lived in Berrysburg, and this lady
- 12 put her arms around Mom and said, "Oh, Betty,
- 13 remember all the good times we had? That Elmer was
- 14 such a great guy, and so much fun. I still miss
- 15 him."
- 16 There were eight of us kids, and we
- 17 each have our own special memories of life as a kid
- 18 and of Dad. One of my most special moments with Dad
- 19 was the day I found out I was going to be a mother
- 20 for the first time. On the way back from the
- 21 doctor's office the first person I went to see and
- 22 tell my news was my Dad. As I told him about the new
- 23 baby on the way, he put his arms around me and said,
- 24 "I know Sue, I can tell you're pregnant." Gosh, how

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- 1 I loved that man.
- 2 He's even the one who took me to
- 3 the hospital when my second daughter was born. My
- 4 sister Donna made Dad come up and get me and take me
- 5 to the hospital, even though I wasn't ready to go.
- 6 When we walked in, and of course we had to register,
- 7 the admission's office started asking Dad all the
- 8 usual questions about insurance and so forth. Poor
- 9 Dad was so flustered that he blurted out, "I'm not
- 10 her husband. I'm just the father."
- 11 Our family must have had a thing
- 12 about yelling when babies were coming. I remember
- 13 the night us girls were in the kitchen doing dishes
- when Dad came out to talk to us. He said, " Girls,
- 15 your mom want -- wants me to tell you something.
- 16 We're going to have another baby." And we answered,
- 17 "We know, Dad. We already figured it out." That
- 18 baby was our youngest brother, Bill. When he was
- 19 born we kids insisted that his middle name be Elmer,
- 20 after Dad. Dad didn't want to go along with it, but
- 21 we all insisted, and he finally gave in. And we're
- 22 so glad.
- When we were small kids, my Dad and
- 24 Mom used to take us up to visit our grandma and --

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- Five or six little kids in a car? It seems Dad would 2
- find a different route each time. At Christmas time 3
- he loved to drive us around to see all the lights. He 4
- knew which roads and streets had the best lights. 5
- Downtown Buffalo was one of his favorite 6
- destinations. Especially the windows at A.M. and 7
- A.'s. To this day, whenever I see a Christmas light 8
- display I have to think of Dad. 9
- 10 We older kids were so much luckier
- than the younger ones, in that we had Dad around . 11
- longer than they did. Dad worked so very, very hard 12
- all his life, and I know that things were never easy 13
- for him and Mom. But we always knew just how very 14
- much we were loved. At one time they owned a small 15
- general store in Berrysburg. And times were not 16
- good. My brother Jim was in the hospital for nine 17
- straight weeks after having his spleen removed. I 18
- was in and out of just about every hospital between 19
- Buffalo and Syracuse with aplastic anemia. And poor 20
- 21 mom, she was pregnant with Judy.
- 22 The people in Berrysburg rallied
- around Mom and Dad, they helped out in the store, 23
- took care of kids when they needed trips to go to the 24 ASSOCIATED REPORTERS INT'L., INC.







1	hospital,	and	even	serving	as	blood	donors	when	I	had
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- 2 to have blood transfusions. Everybody loved Mom and
- 3 Dad, and they'd do whatever they could to help out.
- 4 Dad had many jobs over the years,
- 5 and while he may not have been a financial success,
- 6 he certainly was a success as a father and a husband.
- 7 He always tried, and worked so very hard. Even over
- 8 the years, Mom had to work outside the home, she
- 9 worked at Fisher Price in East Aurora, Malory
- 10 (phonetic spelling) in Warsaw, and Sylvania in
- 11 Batavia to help out.
- By 1971, though, things were
- finally starting to look up a bit for Mom and Dad.
- 14 Dad had a job at Attica State Prison as a foreman in
- 15 the metal shop. He also worked part time helping
- 16 Dick Marley at the Marley -- Dick Merley (phonetic
- 17 spelling) at the Merley Funeral Home. And isn't that
- 18 ironic? He was working regular day -- regular hours
- 19 with nights and weekends off, and there was a steady
- 20 paycheck. Life was finally beginning to be good for
- 21 her and Dad. They could even take a weekend off now
- 22 and then.
- I think that Dad really liked his
- job, the people that he worked with, and he even got



- 1 along with the inmates. And as Betsy said, he used
- 2 to have us girls and Mom make cookies for him to take
- 3 to work for the guys that worked for him. He
- 4 respected them and they respected him. As I said
- 5 before, everyone liked Elmer.
- In May of 1971, my sister Donna met
- 7 a young man named Andy Faye while working at Sylvania
- 8 in Batavia. I believe their first date was Memorial
- 9 Day of that year. Andy was a nice man, and Dad liked
- 10 him. But he was a little concerned when shortly
- 11 after they started talking about getting married. No
- 12 matter what anyone said, they were determined to get
- 13 married that summer. And God certainly works in
- 14 wondrous ways. On August 14th, Dad walked Donna down
- 15 the isle to meet Andy at the altar. Tomorrow they
- 16 celebrate their thirty-first wedding anniversary, and
- they were so blessed that they married so quickly,
- 18 thereby enabling them to share their special day with
- 19 our special dad.
- 20 And then September 9th happened. I
- 21 was working at Marine Midland Bank that morning, and
- 22 it's right on the corner of Exchange Street and Main
- 23 Street. A little after nine a.m. I drove down to
- the corner, Route 98 and Prospect Street, to Newell's



- 1 Dairy, to get some donuts for all the people at work.
- 2 Something was going on. And I saw George Wrecker
- 3 (phonetic spelling) down there, and he used to work
- 4 up at the prison. He said there were problems. I
- 5 went back to the bank, and talked about it with my
- 6 fellow employees.

As the morning wore on, things

8 really began to heat up. Troopers going through

9 town, sirens blaring. I called Mom and she didn't

10 know what was happening. Then we heard there was a

11 riot and some of the prison employees were taken

12 hostage. Again I called Mom to ask about Dad, but she

13 still hadn't heard anything. We really began to

14 become concerned, and Mom was frantic, because we

15 didn't know Dad's whereabouts or what was happening

16. to him. Mom heard nothing from the State about Dad

17 until Friday afternoon. Can you just imagine what it

18 must have been like for her during that time? And

19 every other family member of all the people that were

20 involved? In spite of the fact they knew the metal

21 shop where Dad worked was the area first taken over

22 by the inmates. It seemed that Mom was one of the

23 last ones to be informed. After she received the

24 call, she contacted me at work and was just beside



- 1 herself with worry. We just couldn't believe this
- 2 could be happening to our dad.
- 3 That weekend was the longest
- 4 weekend of my life. At the time I lived on Route 238
- 5 coming into Attica from Darian. I remember how on
- 6 Sunday afternoon I was sitting on the couch in the
- 7 living room looking out the window and watching
- 8 traffic go by. Ronny and Juanita Warner (phonetic
- 9 spelling) lived right across the street. And Ronny
- 10 Warner was up there with my dad. I looked over there
- 11 and I see all the traffic and I couldn't help but
- 12 think how life continued on for all other people.
- 13 But our world had come to a screeching halt. It was
- 14 so awful, that feeling of utter helplessness. Every
- 15 year in late summer or early fall, all the memories
- of that weekend come back when I hear the crickets
- 17 chirping, as it seemed they did all that weekend.
- 18 Warning us of the awful things that were going to
- 19 happen.
- 20 My older brothers, Jim and Bob,
- 21 spent what time they could up at the prison that
- 22 weekend. It seems Jim lived up there during that
- 23 time.
- 24 The State just didn't know what



- they were doing. They dragged this thing out longer
- 2 and longer as if the lives of the hostages and their
- 3 families were not important. And in retrospect, I
- 4 guess they weren't. The negotiators just kept
- 5 everything stirred up.
- 6 On Monday morning, September 13th,
- 7 I didn't go to work. We knew something was finally
- 8 going to happen. My baby girls and I went down to
- 9 Mom and Dad's. It was an awful dreary day, and the
- 10 atmosphere in town was full of tension. Mom and I
- 11 decided to fix some of Dad's favorite things to eat.
- 12 As we thought he would be home by the end of the day.
- 13 Dad just loved goulash and chocolate cake, so that's
- 14 what we were going to make. The sounds of the
- 15 helicopters and the sirens soon permeated the air.
- To this day I still can't stand those
- 17 sounds. I start to tense right up, and my skin
- 18 starts to crawl, and I feel clammy all over.
- 19 Mom and I were in the kitchen, and
- the girls were playing, when all of a sudden around
- 21 ten a.m., Jim and Bob came to the house and came in
- 22 the front door. We kids never ever came in the front
- 23 door. Mom came into the living room and they told
- 24 her Dad was gone. It was just awful. Poor Mom, she



- 1 kept asking the boys if they were sure. She just
- 2 couldn't believe it. She just cried and cried and
- 3 cried. Things were in such an uproar, I took my
- 4 little girls over to Aunt Eleanor's. I didn't think
- 5 it would be good for them to be at the house right
- 6 then.
- 7 I had been back a short time when
- 8 Mom received a call from the State saying that Dad
- 9 had been taken to the hospital in an ambulance.
- 10 Well, poor Mom was really hysterical then. My
- 11 brother Bob came up to put his arms around her and
- 12 she pounded him on the chest telling him, "I knew you
- 13 were wrong. I knew you were wrong. He's not dead.
- 14 See, he's in the hospital. I knew you were wrong."
- Well, they weren't wrong, were
- 16 they? But Mom just hung on to the belief that the
- 17 State wouldn't lie to her. What a joke.
- 18 Well, the afternoon slowly crept
- 19 by. And you could still hear the helicopters and
- 20 the sirens. We kept listening to the radio, eager
- 21 for any news of what was happening. We just didn't
- 22 know anything. No one let us know what was going on.
- 23 Then they started to read the names over the radio,
- 24 those men that were confirmed as being killed. Dad's





- 1 name was among them. Oh, my God, it was just awful.
- 2 How that poor woman, my mom, ever made it through
- 3 that day, I'll never know. To be brought down with
- 4 the news from my brothers, then back up again after
- 5 the telephone call, and then just smashed down with
- 6 the news from the radio. It was unbelievable.
- 7 The State handled this whole thing
- 8 with such class and compassion, didn't they? And it
- 9 was just the beginning of how cruel and callous they
- 10 really could be.
- 11 Mom suffered so unbearably, Dad was
- 12 her rock. She depended on him for so much, and now
- 13 he -- she was -- he was gone. She had to make the
- 14 arrangements for his funeral. And had to deal with
- 15 the fact that they kept cutting Dad up for their damn
- 16 autopsies. And then we never did get the results.
- 17 But the final insult was that after the burial
- 18 service at the cemetery, and thinking now they would
- 19 let Dad rest in peace, the next issue of the Batavia
- 20 Daily News on the front page, had a picture of his
- 21 coffin being loaded back into the hearse for a trip
- 22 back to the hospital for more autopsies.
- We still don't know if Dad is in
- 24 that grave, when they put him back, or anything. We



- 1 have never received an apology of any kind from the
- 2 State for this, or any of the other terrible things
- 3 they did to my parents.
- 4 My Mom and Dad didn't deserve this.
- 5 He was just a hard-working man earning a living to
- 6 take care of his family. That is why he was at the
- 7 prison on September 9th. Not because he was -- he
- 8 had done something wrong and was incarcerated. But
- 9 yet he was killed because of the actions of the
- 10 people that were in the prison for wrongdoing. And
- 11 when all was said and done, after the State bungled
- 12 the whole affair, he was gone.
- 13 When Commissioner Oswald came to
- 14 the house, he patted Mom on the hand and said, "Don't
- 15 worry, Mrs. Hardie, we'll take care of you." When
- 16 the State rushed out, and this referring back to
- 17 Betsy's thing and your question Mr. Eve. When the
- 18 State rushed out the workman compensation checks,
- 19 because Mom was concerned about having her family to
- 20 take care of, she cashed them. Then she was advised
- 21 to return the money to the State, which she did, in
- 22 case of a lawsuit. As you know, the State allowed
- 23 the lawsuit to commence. Our elected officials

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24 allowed this to happen. After years and years and



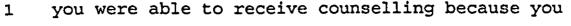


- 1 years of legal wrangling the State coerced Mom into
- 2 signing over all rights to her workman's comp in
- 3 order to continue the lawsuit. Again, our elected
- 4 officials allowed this to happen.
- 5 Shortly thereafter, the state threw
- 6 the lawsuit out, and Mom was really screwed this
- 7 time. So now, not only did they deny her any benefit
- 8 from the suit, they took away once and for all, the
- 9 workman's comp. And once again, our elected
- 10 officials allowed this to happen.
- I worked in a bank for many, many
- 12 years. And we used to have state bank examiners come
- out to go through the books and make sure things were
- 14 right. And at one time, probably five to ten years
- 15 after the riot, I was speaking to one of the state
- 16 bank examiners, whose daughter worked in the state
- 17 controller's office, and he says, "My daughter told
- 18 me that the state of New York had set aside funds to
- 19 pay these lawsuits. Do you mean that you never got
- 20 the money?" I said you're correct. The state never
- 21 paid out on these lawsuits.
- 22 You know Mr. Volker, you claimed
- 23 for thirty years how hard you've worked for the
- 24 rights of the families affected by the riot. What



- 1 does it feel like be such a complete failure? To
- 2 have nothing to show for thirty years of so-called
- 3 hard work? Is it difficult for you to look -- for
- 4 you to look these people in the eye, knowing that
- 5 you've done nothing for them? How can you live with
- 6 yourself? You, and your position in the state
- 7 government allowed the records of this tragedy to be
- 8 kept a secret and away from the families. Do you
- 9 really know what happened to our loved ones? Do you
- 10 really care? Are you going to help us to open these
- 11 records?
- 12 And Mr. Eve, you talk about the
- 13 hatred you had for Governor Rockerfeller. I don't
- 14 believe it even comes close to how we felt about you
- in the aftermath of September 9th. And knowing your
- 16 position in that whole affair. You talk about having
- 17 problems at home after the riot. Well, at least you
- were able to walk out of Attica on the 13th, and go
- 19 home to your family. Which is more than you can say
- 20 for my dad and the other ten employees that were
- 21 killed by the state.
- 22 Also, I'm really glad you were able
- 23 to read the -- receive the counselling that you
- 24 needed to help you deal with your demons. You see,





- 2 could afford it. You had a job that kept on paying
- 3 you. My mom on the other hand, wasn't able to
- 4 receive counselling because she had a family to take
- 5 care of. And our elected officials denied her the
- 6 right to compensation. Do you have any idea what my
- 7 mom and these other widows have gone through? Do you
- 8 have any idea what the children of these men have
- 9 gone through? Do you know what it's like to stay
- 10 away from church because you'll probably see someone
- who made it out of the prison safe and alive, when
- 12 your dad didn't? I'm really glad you got your
- 13 counselling, Mr. Eve.
- 14 In some ways, our family has not
- suffered as many problems and troubles as some of the
- other families. Much of that is due to the strength
- 17 and perseverance shown by my mom. She had to stand
- 18 · up and take over the reigns of the family after the
- 19 State took my dad from us. This has taken such a
- 20 terrible, terrible toll on her.
- 21 What are you going to do for her
- 22 now? Will there be some sort of reparation, so that
- she can be taken care of in the manner that she
- 24 deserves? My mom is a good woman, and didn't deserve







- 1 to be treated in the way she was by the State.
- 2 The whole town of Attica was racked
- 3 by this tragedy. Everyone in town knew someone else
- 4 who was affected in some way. We were all friends,
- 5 we were all close.
- Are the elected officials of the
- 7 state of New York going to continue looking the other
- 8 way and ignoring our families and their needs? Are
- 9 we going to have suitable and honorable memorial
- 10 services for these great men who gave the ultimate
- 11 sacrifice, their lives, while doing their jobs,
- 12 striving to take care of their families? Is the
- 13 State going to compensate in a fair and equitable
- 14 manner all the brave people who suffered so greatly
- as a result of the great New York State debacle? Or
- 16 are these hearings just another ploy to placate the
- 17 masses until after the election? Thank you.
- MR. EVE: Just, your mother's
- 19 alive, I -- I saw yeah.
- MS. TOWNSEND: This is my mom.
- 21 Right there. That lovely lady is my mother.
- MR. EVE: Okay. How many kids were
- 23 there in family, as -- as your mother was pregnant
- 24 with one.





- 1 MS. TOWNSEND: No. There were
- 2 eight.
- 3 MR. EVE: Eight?
- 4 MS. TOWNSEND: Children. Right.
- 5 MR. EVE: How did you all survive;
- 6 without the checks?
- 7 MS. TOWNSEND: Some -- well, there
- 8 were three still at home.
- 9 MR. EVE: Okay.
- MS. TOWNSEND: The others of us
- 11 were older and out working.
- MR. EVE: Working. Okay. And so
- 13 the family supported --
- MS. TOWNSEND: And my brother
- 15 helped my mother.
- MR. EVE: -- the family. Okay.
- 17 You said that someone told you that the state
- 18. comptroller's office had set aside --
- MS. TOWNSEND: Funds.
- MR. EVE: -- money for the claims.
- MS. TOWNSEND: Yes.
- MR. EVE: Did they share with you
- 23 how much that --
- MS. TOWNSEND: No.





L	MR.	EVE:		possibly	was?
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- 2 MS. TOWNSEND: No.
- MR. EVE: Okay. And that year was
- 4 when -- when they told you this?
- 5 MS. TOWNSEND: I don't remember.
- 6 MR. EVE: What year.
- 7 MS. TOWNSEND: Mr. Eve, I was
- 8 working at Wyoming County Bank at the time, and we
- 9 were being audited.
- 10 MR. EVE: Okay.
- MS. TOWNSEND: Which we were every
- 12 year.
- MR. EVE: Thank you.
- 14 COMMISSIONER GOORD: Sue, do you
- 15 have a copy of your mother's lawsuit; all those?
- MS. TOWNSEND: Do I personally, no.
- 17 I don't.
- 18 COMMISSIONER GOORD: Does anybody
- 19 have a copy?
- MS. TOWNSEND: I would imagine that
- 21 either Mr. Tenning (phonetic spelling), or does mom
- 22 have a copy of it? No.
- 23 COMMISSIONER GOORD: Tenning?
- MS. TOWNSEND: Mr. Tenning, from





- 1 Buffalo.
- 2 COMMISSIONER GOORD: Buffalo, okay.
- 3 Tenning. Okay. Thank you. Bob?
- 4 MR. VAN BUREN: I can't compare to
- 5 the ladies. My name is Robert Van Buren. I was a
- 6 hostage in D yard.
- 7 MS. TOWNSEND: And he's our
- 8 stepdad.
- 9 COMMISSIONER GOORD: Okay.
- MR. VAN BUREN: My job title was
- 11 industrial superintendent. I was responsible for
- 12 overseeing and supervising the complete industrial
- 13 program, which consisted of training inmates and all
- 14 the phases of fabrication, assembly, painting,
- 15 creating operations necessary to produce such items
- 16 such as file cabinets, lockers, storage cabinets,
- 17 tables, shelving, waste paper baskets, et cetera.
- The civilian trainers were all
- 19 experienced foremen from commercial industries. They
- 20 were called industrial training supervisors. I was
- 21 hired in January of 1966 for this job. My office and
- 22 the office of the civilian account clerks who located
- on the second floor of metal plant one.
- On the day of the -- the riot, I



- 1 had been called -- I got a call early in the morning
- 2 that there was trouble in A block. Well, I really
- 3 wasn't too concerned because I walked in and out of
- 4 the institution day in and day out, to go back to
- 5 that work area. Passing through Times Square with a
- 6 gate -- all the gates there that blocked each area
- 7 from one another. I never thought they wouldn't have
- 8 any problem getting through there. However, a short
- 9 time afterwards, inmates come barrelling through the
- office waving ball bats, two by fours, mop handles,
- anything they could grab a hold of. And hitting the
- 12 people that were in there, and rushing in and out of
- 13 the office yelling get out of here, get out of here.
- 14 All the civilian clerks, I had four civilian clerks
- 15 there at the time, and they and myself were driven
- out of the office. The inmates were also moved out
- 17 of the office. They were pushed and shoved down the
- 18 stairs, down the corridor, to B block.
- In B block we were forced to go
- 20 down through the corridor from B block down to Times
- 21 Square. There were inmates lined up on each side of
- 22 the court here. And we had to run through this
- 23 gauntlet of inmates swinging whatever they could to
- 24 hit us, and they managed quite well. There was one







- instance I saw a two by four aimed at my privates and 1
- 2 I put my hand down to cover it, and I really had a
- 3 sore hand. I was also hit on the back of the head
- 4 once and nearly knocked out, but I managed to stay on
- 5 my feet, because I didn't feel I could -- I wanted to
- 6 fall on the ground.
- 7 After we got up, after I got out to
- 8 the yard I was blindfolded. And my hands were tied
- behind me, and I think the inmates put my blindfold 9
- 10 on me to the point to make sure that that lump on my
- 11 head was where the knot for the blindfold was. I
- said something, and I guess I shouldn't have, because 12
- it didn't do any good. All it did was make it worse. 13
- 14 Out in the yard, for two and -- for
- 15 two separate nights, I was approached by a couple of
- inmates that wanted me to make a statement, stating 16
- 17 that the State made a great deal of money out of the
- efforts of the inmates building all of these 18
- products. And I refused to do so because it wasn't 19
- 20 true. Our training took a lot of time and a lot of
- defective parts make the products first class so, the 21
- 22 profit was not there. If we could break even, we
- 23 were doing very well.
- 24 On the day of the retaking I was in ASSOCIATED REPORTERS INT'L., INC.





- 1 the yard, and I had my hands tied together, my feet
- were tied together, and my hands were tied down to my
- 3 feet, and I had a blindfold on. I had an inmate
- 4 behind me rapping me on the back telling me he was
- 5 going to beat my brains in just a soon as any action
- 6 was taken by the State. I heard the helicopter come
- 7 over and drop the gas. And the next thing you know
- 8 it was like a war had started. There was more
- 9 shooting that I've heard in a long, long time.
- 10 Bullets ricocheting off the walls. And during this I
- 11 was knocked right off me feet. I felt as if I'd been
- 12 hit by a truck. I was hit on the right hip. I was
- 13 laying on the ground and all of a sudden I felt a
- 14 knife near my hands. Well my hands were cut loose
- 15 from my feet, my hands weren't untied, but at least
- 16 they were cut loose from my feet. And I figured
- 17 well, I wanted to get out of this area, so I was
- 18 crawling on my elbows and my knees, trying to move
- 19 from the area. And the next thing you know, my
- 20 blindfold was ripped off, and I saw two shiny boots,
- 21 and I knew that had to be the state police. They
- 22 untied my hands, untied my feet, and he saw the blood
- 23 running down my pant leg, and he wondered if I could
- 24 stand up and walk. And I told him, well, I'll do the





- 1 best I can. So he helped me. Took me over to the
- 2 ladder that led up to the catwalk, and he says you're
- 3 going to have to climb up the ladder. So, I made an
- 4 effort. Well, I got up there, somehow or other. He
- 5 helped, and there were two officers up in the top of
- 6 the catwalk that helped pull me over the railing, and
- 7 took me out to the ambulance.
- 8 At the hospital I was treated, and
- 9 on two occasions, on two separate occasions, I was
- 10 taken into the operating room and the doctor tried to
- 11 remove the bullet. And he finally said that the
- 12 bullet is just too close to the end of your spine,
- we're going to have to leave it where it is. It's in
- 14 soft tissue, it could stay there, and if it moves,
- 15 then we'll have to take it out and suffer whatever
- 16 consequences happen.
- While I was recuperating at home I
- 18 had people -- a visitor telling me that -- not to
- 19 worry about anything. Everything will be taken care
- 20 of. Everything's going to be all right. My check
- 21 was delivered to the house. I lived on -- on Hunt
- 22 Boulevard which is adjacent to the prison -- prison
- 23 property. And nothing was ever said to me about my
- 24 check having workman's compensation funds in it.



- 1 The -- I was off work about eight
- to ten weeks. I figured I had to get back to work. 2
- Being a stubborn Dutchman, I wanted to know whether I 3
- could go back in and do my job, or not. If not I 4
- needed to -- I was going to have to find another job. 5
- 6 So I talked to the superintendent,
- he said you're not supposed to be working again. And 7
- 8 I said, well the doctor said I could work a half a
- day, and I'd like to go in and try it. If I can make 9
- it fine, if I can't, I'm through. As it turned out, 10
- I made it. And I worked half a day for about two 11
- weeks. And finally I went back to work. 12
- strange because I had lost some people that worked 13
- for me; Elan Warner, John Monteleone, Elmer Hardie. 14
- Some of my other people that worked there were beaten 15
- 16 up pretty bad. It was rather difficult.
- 17 I've been very fortunate.
- bullet hasn't moved. And I'm -- I do get, every time 18
- I walk through a metal detector I have to stop and 19
- try to explain, get wanded, and so on. And every 20
- time I've gone to the hospital for x-rays for 21
- anything else the bullet shows up and everybody gets 22
- excited and I have to get re-x-rayed; never the less, 23
- I'm still alive. I'm one of the fortunate ones 24 ASSOCIATED REPORTERS INT'L., INC.





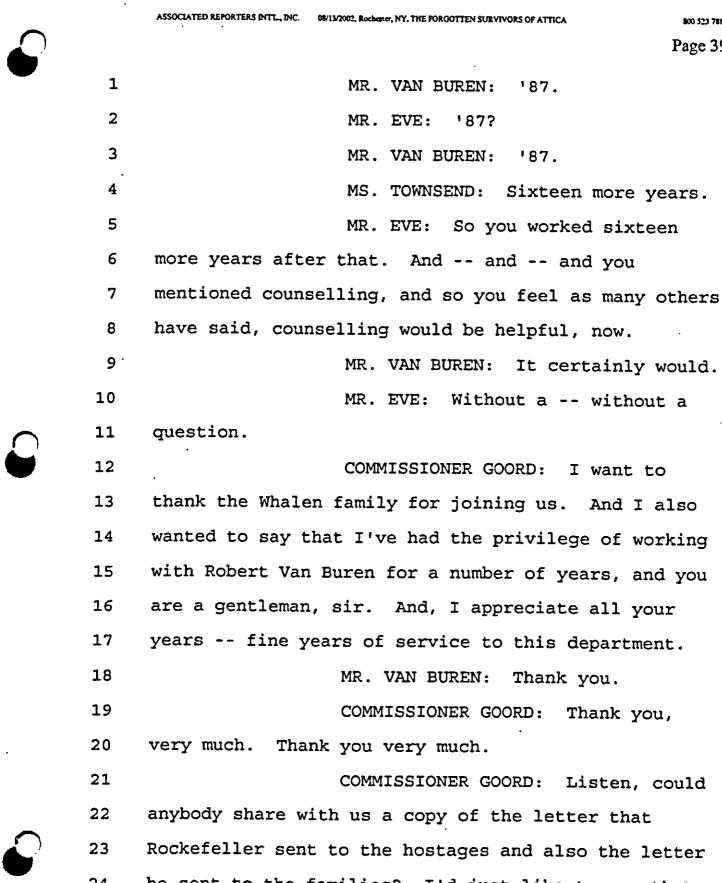


- that's still alive.
- 2 However, I feel the way things were
- 3 handled by the State that we're owed an apology.
- 4 Especially, the slain hostage families. I think
- 5 counselling is very necessary for those that still
- 6 need it. And I appreciate the fact that the
- 7 commissioner's arranged for a memorial service for us
- 8 for the victims of Attica, in Attica. I hope it
- 9 continues for quite some time.
- I think the records should be
- 11 opened so that the families can really find out what
- 12 happened. I'm sure some of their friends would also
- 13 like to know. It would just make things a lot easier
- 14 to get it all out in the open.
- As far as compensation goes, I
- 16 certainly think the families -- and the widows and
- 17 the families deserve a great deal of compensation.
- 18 As well as the hostages, I think we should also be
- 19 taken care of. If the inmates can be awarded for
- 20 doing what they did, then it certainly seems that the
- 21 rest of us should also be compensated for. The
- 22 inmates started it, they beat everybody up. They did
- 23 everything they could to hurt people. So they got
- 24 hurt a little bit when the institution was taken





- 1 over. Tough. That's my feelings.
- 2 I'm fortunate to still be around
- 3 and kicking. I was also fortunate that Mr. Hardie
- 4 and his wife and my wife were friends. Friends for a
- 5 long time. And I lost my wife in 1975. And a year
- 6 later Mrs. Hardie and I decided to get married.
- 7 MS. TOWNSEND: And he got all of us
- 8 kids.
- 9 MR. VAN BUREN: And I inherited all
- 10 of them.
- MR. EVE: It's a blessing.
- MS. VAN SON: Which was a blessing
- 13 for us. I'm not sure how he feels about it.
- MS. TOWNSEND: We are really
- 15 blessed.
- MR. EVE: That's wonderful. Let me
- 17 ask you this. How long did you work after -- how
- 18 many years did you work when you went back.
- MR. VAN BUREN: Twenty-one years
- 20 altogether.
- MS. TOWNSEND: What year did you
- 22 retire?
- MR. VAN BUREN: I retired in 1984.
- 24 MR. EVE: '84?





- 1 at some point. I mean, we can put it in the record.
- 2 UNIDENTIFIED SPEAKER: Some of us
- 3 never received one.
- 4 COMMISSIONER GOORD: Huh?
- 5 UNIDENTIFIED SPEAKER: Some of us
- 6 never received one.
- 7 COMMISSIONER GOORD: Oh.
- 8 UNIDENTIFIED SPEAKER: We never
- 9 did.
- 10 COMMISSIONER GOORD: But those who
- 11 did, I've heard some people, both from the hostage
- 12 and from the families, say that they got a letter
- 13 from the governor. And if anybody has it, if you can
- 14. give it to counsel or -- or to Cunningham,
- UNIDENTIFIED SPEAKER: I have one
- of those letters, and my husband's name was
- 17 misspelled on it.
- 18 COMMISSIONER GOORD: Okay. But
- 19 I -- I.
- 20 UNIDENTIFIED SPEAKER: So they
- 21 didn't think too much of him.
- 22 COMMISSIONER GOORD: I'd just like
- 23 to see the contents of it, and see the letter,
- 24 please. Thank you.





1	Vernise Mitzel and Beverly Mitzel			
2	Myers.			
3	COMMISSIONER GOORD: Good morning.			
4	MS. MITZEL: Good morning.			
5	COMMISSIONER GOORD: How are you			
6	today?			
7	MS. MITZEL: My name is Vernice			
8	Mitzel. That's V like in Victor, V-E-R-N-I-C-E,			
9	Mitzel, M-I-T-Z-E-L.			
10	COMMISSIONER GOORD: Thank you.			
11	MS. MYERS: And before I start			
12	reading my testimony here, I would like to make a few			
13	comments. It's been thirty years or better, and I've			
14	been trying to forget. And so consequently, I have			
15	forgotten some of the things that I should			
16	probably should have remembered. And all I can say,			
17	I wonder sometimes why some of the hostages that			
18	their wives that are still living, why they haven't			
19	come forth and give testimony. And I've been			
20	thinking about this. And I would not be here today			
21	to give my testimony if my husband had been was			
22	still alive today. And I got to thinking about it.			
23	And I'm thinking, I know why. I thought I went			

through an awful lot, those -- those terrible days.

24



- 1 But then I thought, no, my husband went through a lot
- 2 more. The hostages went through a lot more. I had a
- 3 house, I had a roof over my head. I could go walk
- 4. from room to room. I wasn't blindfolded. My hands
- 5 weren't tied. I can not tell you how he must have
- 6 felt. He experienced it, I didn't. I had my family
- 7 home with me, supporting me. And that's the only way
- 8 I think I could have survived. And that's all I
- 9 will -- I'm not very good at writing things down on
- 10 paper. So, you'll have to bear with me if it doesn't
- 11 come out the way I'd like it to.
- My husband was deceased on 2/16 of
- 13 '88. He was employed -- employed by the department
- 14 of corrections. 1956 he was corrections officer at
- 15 Attica Correctional Facility. 1965 industrial
- 16 training foreman Attica Correction Facility. 1974 he
- 17 was assistant industrial superintendent, Albion
- 18 Correctional Facility. 1976 he was industrial
- 19 superintendent at Albion Correction Facility. He
- 20 retired in 1985. He's deceased in 1988. He
- 21 succumbed to lung cancer.
- The injuries he incurred in the
- 23 state assault on 9/13/71. He was shot in the back.
- 24 He was beaten with a board. Struck with a rifle



- 1 butt. Received a cut in the neck while bound and
- 2 blindfolded on the D yard catwalk moments before the
- 3 police gas and gun assault.
- I took my husband to work that day,
- 5 September 9th, 1971. On the way to work, he said to
- 6 me, he had a bad feeling that something was going to
- 7 happen. He was right. After dropping him off, I
- 8 went to work. I worked in the office at the Super
- 9 Duper. People started to come in and said there was
- 10 a riot at the prison. I stayed at work, hoping I
- 11 would get a call from my husband. I know he would
- 12 call to let me know he was all right, if he could.
- 13 No call came. I left work and went home hoping I
- 14 would hear something. My oldest son, Robert, who was
- in the Navy was on his way home to -- on leave to
- 16 attend his sister's wedding that was to be that
- 17 weekend. He heard about the riot on the way home.
- 18 He tried to reach us, but the phone lines were all
- 19 tied up. I have three children: Beverly, Robert,
- 20 and Donald. We all sat around the T.V. and listened
- 21 to the radio hoping to hear something. The T.V.,
- 22 radio, and the newspapers were our only source of
- 23 information as to what was going on. We waited two
- 24 days before someone at the prison called us and they





- 1 assumed Allen was a hostage. I could not believe
- 2 that after all that time they still weren't sure. We
- 3 were all in shock and disbelief. And I think, at
- 4 that time, it seemed to me like they should have
- 5 known whether he was a hostage or not. They kind of
- 6 assumed maybe he was hiding someplace, and they
- 7 haven't located him yet.
- 8 My son, Donald, he made several
- 9 trips to the prison to see if he could find out
- 10 anything. It seemed that the whole town was on edge.
- 11 One night I received a phone call from someone who
- 12 told me not to be alarmed if I saw lights in my back
- 13 yard. That they were making sure no one was going to
- 14 do us harm. They heard that there were gangs --
- 15 gangs coming to Attica to harm the hostage families.
- 16 Someone gave my oldest son, Robert, a gun to put
- 17 under his pillow; just in case. I didn't find out
- 18 about the gun, until after the retaking of the
- 19 prison. We not only had to worry about my husband,
- 20 we had this other worry. And so -- why is somebody
- 21 coming to harm us? We did nothing wrong.
- 22 My daughter was to be married that
- 23 weekend. She had to cancel the reception, flowers,
- 24 cake, notify the wedding party and guests. She did,



- 1 however get married by a justice of the peace. I
- 2 stayed home, so I could be by the phone if something
- 3 happened at the prison. But my two sons went. She
- 4 didn't want to go and get married, but I said her
- 5 father would wish her -- that she did get married.
- 6 As long as, you know, it wasn't a church wedding, it
- 7 was by a justice of the peace. And I said her father
- 8 would want her to do this, and that's why she did it.
- 9 Okay. Now, the night before the
- 10 retaking of the prison, a friend stopped in and told
- 11 me the troopers would be going in the morning to
- 12 retake the prison. I couldn't sleep all night,
- although there's a lot of nights I didn't sleep;
- 14 worrying about what was going to happen. I had the
- 15 radio on, I had the T.V. on, anything that I -- so I
- 16 could hear. Then we heard the helicopters and knew
- 17 it had started. Then the next thing we heard was all
- 18 the hostages were killed. I broke into hysterics,
- 19 crying and yelling that it wasn't true. Then over
- $20 \cdot$ the broadcast came there was that some of the
- 21 hostages were out. I prayed that my husband was one
- of them. After hearing that some didn't make it, I
- 23 felt a sense of guilt come over me. How could I be
- 24 so lucky?





1	It seemed like hours after that
2	that our phone rang. It was a Warsaw Hospital
3	telling me that they had my husband. At the same
4	time a friend was at work in Buffalo, said she
5	couldn't stand it any longer and had to come out to
6	be with me. Not knowing that Allen was out. I asked
7	her to call her relatives and let them know as we ran
8	out the door to go to the hospital. He had been shot
9	in the back, beaten with a board, and struck with a
10	rifle butt in the retaking of the prison. He was
11	also cut in the neck while bound and blindfolded in
12	the D yard catwalk moments before the police gas and
L3	guns assault.
L4	When my husband was released from
L5 ·	the hospital we were told by hospital staff that his
L6	bill was already taken care of. And that they didn't
L 7	need to see his insurance card. We had no idea that
L8	it was being taken care of by worker's compensation.
L 9	We just assumed that the insurance information needed
20	for billing was given to the hospital by prison
21	staff.

I had no contact with State

officials as far as I know; during the riot or after.

It's possible my husband had contact with State



22

23

24



- officials after this all, but I just can't remember.
- We all have been under a terrible
- 3 stress. After -- after the riot we locked all our
- doors to our house when we went away or to bed;
- 5 something we never did before. I still have bad
- 6 dreams about it. I think my husband would still be
- 7 alive today if it hadn't been for the riot. He
- 8 became a chain smoker, and drank a little more than
- 9 he did before the riot. He succumbed to lung cancer
- 10 in 1988. I was also concerned about my husband at
- 11 times when we talked, he didn't seem to be able to
- 12 tell the real from the unreal. He would tell me
- 13 stories that happened and it didn't happen. I think
- 14 it's time the State started to think of the widows
- and hostages, and not just the inmates. It seems the
- 16 inmates got everything they asked for. Is it too
- 17 little to expect that the widows and hostages get the
- 18 same respect? I believe we should get an apology
- 19 from the state. Counselling for those who wish it.
- 20. Open the records to all the widows, hostages, and
- 21 their families, and to anyone who would want to see
- 22 the records. I also believe, and we have been -- in
- 23 the memorial service at the prison, and I do
- 24 appreciate that.





1 As for a just compensation,	the
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- 2 compensation should be equal to the compensation Mrs.
- 3 Jones received on her lawsuit against the State. And
- 4 I believe the surviving hostages should get the same
- 5 amount because they're not through suffering yet.
- 6 They're still suffering. They've gone through thirty
- 7 years of suffering. And that's why I believe they
- 8 should be treated equally. Thank you, very much.
- 9 COMMISSIONER GOORD: Thank you very
- 10 much.
- MR. EVE: Let me ask you this. You
- say the hospital bills were paid by compensation?
- 13 You do?
- MS. MITZEL: Yes. Evidently,
- 15 because when we went to pay, they said it was all
- ·16 taken care of.
- 17 MR. EVE: It wasn't paid for by the
- 18 State -- State health insurance coverage --
- 19 MS. MITZEL: No.
- MR. EVE: -- for the.
- 21 MS. MITZEL: Not that I'm aware of.
- 22 UNIDENTIFIED SPEAKER: We don't
- 23 know.
- MS. MYERS: We were just told on



- the way out, it's all taken care of.
- 2 MR. EVE: Okay. Okay. And --
- 3 and -- and -- why -- I've got to find somebody in
- 4 compensation, let me know what is that difference.
- 5 Was that so that compensation would pay it so that
- 6 that would prevent you from suing at sometime --
- 7 MS. MITZEL: Absolutely.
- 8 MR. EVE: -- you think that was --
- 9 MS. MITZEL: Yes. Because --
- MR. EVE: -- part of it?
- MS. MITZEL: I mean, he was like
- 12 the other ones, he got his check regular thinking
- 13 that was his regular check, instead.
- 14 UNIDENTIFIED SPEAKER: Mr. Goord.
- MR. EVE: Okay.
- 16 UNIDENTIFIED SPEAKER: May I say
- one thing. As far as that insurance goes, when I was
- in the hospital they just said it was all taken care
- 19 of. And they never -- it could have been through --
- 20 through the insurance, I don't know. But we never
- 21 got a statement for anything from anybody.
- MS. MITZEL: Right.
- 23 COMMISSIONER GOORD: Thank you very
- 24 much.



MR. EVE: Let me just say thi	s to
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- 2 you. And I'm going to say this to all of you. The
- 3 inmates want the families to get everything that you
- 4 are entitled to. I've got a letter from Big Black, I
- 5 talked to Herb Blidens (phonetic spelling) widow, and
- 6 he was one of the leaders there -- at there. They
- 7 want you to get every thing you're entitled to. I
- 8 mean, so I just want to make that very clear. They
- 9 talked to several -- and their widows, they made that
- 10 very clear to me, okay? And so I -- I -- I just
- 11 wanted to say that.
- 12 UNIDENTIFIED SPEAKER: If they
- hadn't got a settlement, would they have wanted us to
- 14 get a settlement?
- MR. EVE: Huh?
- 16 UNIDENTIFIED SPEAKER: If they
- 17 hadn't got a settlement would they want us to get a
- 18 settlement.
- 19 MR. EVE: I -- I'm -- I'm.
- 20 UNIDENTIFIED SPEAKER: Didn't --
- 21 didn't quite say what you had to say, sir.
- MR. EVE: Well, I'm just saying it,
- 23 sort of.
- 24 UNIDENTIFIED SPEAKER: Well,



- 1 it's -- it doesn't mean anything to us.
- 2 MR. EVE: Okay. I -- I just wanted
- 3 the families to know that the inmates want you to get
- 4 everything that you are entitled to.
- 5 COMMISSIONER GOORD: Good morning.
- 6 MS. MYERS: Good morning. My name
- 7 is Beverly Myers, I'm the daughter of surviving
- 8 hostage Allen J. Mitzel.
- 9 I will never forget. I will never
- 10 forget Thursday, September 9th, 1971. This day was
- 11 going to be a special day for me. My co-workers were
- 12 giving me a bridal shower luncheon at Mancuzo's
- 13 (phonetic spelling) Restaurant, because I was getting
- 14 married on Saturday, September 11th. It was
- 15 tradition to have shower luncheons on the employee's
- 16 last workday prior to their special day. The
- 17 luncheon was wonderful. We all had a great time.
- I left the luncheon, got into my
- 19 car, and turned on the radio to return to the office.
- 20 I was driving down Main Street when I head the
- 21 newscaster from W.B.T.S. say inmates at the Attica
- 22 prison were rioting and taking -- and had taken over
- 23 the prison. I began to panic. I drove straight to
- 24 the office and called my mother to see what she knew.





- 1 The only thing she could tell me was that people were
- 2 coming into the store where she worked saying that
- 3 there were -- that there was a riot at the prison,
- 4 and that she was going to stay at work to see if Dad.
- 5 would call here there.
- I told her I would stay at work,
- 7 and call me as soon as she had heard anything. I was
- 8 a wreck. I probably should have gone home, because I
- 9 really couldn't concentrate on my work. But I stayed
- 10 anyway, hoping to hear something from Mom.
- I left work at five p.m. without
- 12 any news. Was my dad okay? I stayed awake all night
- 13 hoping to hear something and praying that he and his
- 14 coworkers were -- would be okay. According to news
- 15 broadcasts no one was to call the prison, because
- 16 they wanted to keep the phone lines open for
- 17 emergencies. Why wasn't anyone from the State
- 18 contacting the families to let us know what was
- 19 happening? We needed to know. The stress of not
- 20 knowing was unbearable. The State had -- had held us
- 21 hostage and made us prisoners in our home, waiting
- 22 for someone to contact us.
- Finally, on the second day of the
- 24 riot, someone from the prison called and said they





- 1 assumed Dad was a hostage. Why didn't they know for
- 2 sure? Assuming that he was a hostage, I had to face
- 3 the fact that my dad may not be at my wedding. I
- 4 didn't know what to do. We had planned to have a
- 5 beautiful wedding and a reception at the Glenn Ivers
- 6 Inn in Letchworth State Park. I asked Mom what she
- 7 thought I should do. Mom told me to get married.
- 8 Your dad would want you to. And when Dad was
- 9 released we could have the reception later on.
- I drove to the home of my future
- 11 husband and in-laws to let them know what was
- 12 decided, and to cancel the reception, wedding cake,
- 13 flowers, and notify the photographer, and wedding
- 14 party, and guests of our change in plans. We called
- 15 the justice of the peace in Castile and asked him if
- 16 he would marry us at home the next day. He agreed.
- 17 While we were busy changing our plans, Mom stayed at
- 18 home close to the telephone hoping someone from the
- 19 state would contact her.
- On Saturday, September 11th, we
- 21 were married in the front yard of the Castile justice
- of the peace, with family members, maid of honor, and
- 23 the best men in attendance. My mother stayed home
- 24 waiting for someone to call. This should have been a





- 1 happy occasion. But I kept thinking about Dad and
- 2 Mom and what might happen. Hoping for the best.
- 3 After a quick wedding ceremony, we returned home to
- 4 see if Mom had heard anything. We stayed close to
- 5 home, waiting for news about Dad.
- 6 Mom called me the next evening, to
- 7 say that a friend had stopped in and told her the
- 8 troopers would be going into the prison in the
- 9 morning to re-take the prison. I don't think I slept
- 10 that night, wondering what would happen.
- 11 Early in the morning of September
- 12 13th, I hear helicopters fly over the village, and
- 13 knew something was going on. I turned on the radio
- 14 to hear a news reporter say that the state police are
- 15 entering the prison. We heard gunfire. My husband
- and I raced to Mom and Dad's home to find Mom and my
- 17 brothers hysterical and crying and saying that all
- 18 the hostages were killed. Then over the broadcast
- 19 came a news -- came news that some of the hostages
- 20 were out. We prayed that Dad was one of them. We
- 21 waited for what seemed to be an eternity. Then the
- 22 phone rang. I ran to answer it. It was the Warsaw
- 23 Hospital telling me that they had Dad. We raced to
- 24 the hospital, not knowing what to expect.







1 Dad was alive, but not well. He

2 recognized us, and he began to cry when we entered

3 his room. He seemed to be delirious. What he

4 didn't -- what he said didn't make any sense. It all

5 seemed like a bad dream, but somehow it was real. I

6 can't begin to imagine the horror and torture my dad

7 and the other hostages had to endure.

8 The nuurse at the hospital said that

9 he was going to be all right. He had been shot in

10 the back with a bullet lodged near his spine. The

11 doctors decided to leave the bullet in his back

12 rather than risk surgery. Dad had also been beaten

13 with a board and struck with a bullet butt -- or with

14 a rifle butt, in the retaking of the prison. He was

15 cut in the neck while bound and blindfolded in the D

16 yard catwalk moments before police gas and guns --

and the gun assault.

Upon Dad's release from the

19 hospital we were told by hospital staff that his bill

was taken care of, and they didn't need to see the

21 insurance card. We had no idea it was being taken

22 care of by worker's compensation. We just assumed

23 that the insurance information needed for billing was

24 given to the hospital by prison staff. I thought



- that in order to receive worker's compensation you
- 2 had to have a hearing first.
- 3 Sometime after Dad returned home
- 4 from the hospital he attended a meeting at the
- 5 Presbyterian Church in Attica that was conducted by
- 6 Russell G. Oswald. Mr. Oswald told the hostages that
- 7 they could take up to six -- take up to six months
- 8 off, have their medical costs paid, and would be
- 9 given priority status if they -- if they sought
- 10 transfers. Dad specifically asked Mr. Oswald about
- 11 the pay and time off, and received a reply that,
- 12 "Your time is going to go on." There was no mention
- of worker's compensation benefits at that time. Dad
- 14 received his paycheck while he was off from work,
- with no mention that this was worker's compensation.
- Dad, to my knowledge, was never
- informed of a choice between worker's compensation
- 18 and suing the state of New York. My dad joined a law
- 19 suit against the state with other surviving hostages
- 20 and their families, which lasted many years, and did
- 21 not end until after his death.
- Dad returned to work after being
- off for approximately three months. I couldn't
- 24 believe he was returning to work after all that he





- 1 had been through. I asked him what he was going --
- 2 why he was going back to work so soon. He said that
- 3 he had to earn a living, and didn't have a choice.
- 4 Maybe he felt guilty that he was alive. I'll never
- 5 know for sure, because he never discussed the riot
- 6 and what happened to him or how he felt.
- 7 Dad was a different man after the
- 8 riot. He became a chain smoker and began drinking
- 9 more than he did before the riot. He never talked
- 10 about what happened during the riot. He kept to
- 11 himself. There was no crisis counselling back then.
- 12 Dad succumbed from lung cancer February 16th, 1988.
- 13 I believe the riot played a big role in his premature
- 14 death.
- As for myself, the aftereffects of
- 16 the riot have left me with panic attacks that occur
- 17 when I'm in a situation where other factors have
- 18 control over my well being. For example, travelling
- in heavy traffic on a four-lane highway or flying on
- 20 an airplane can trigger an attack. My panic attacks
- 21. are unpredictable and unpleasant when they occur.
- 22 During the prison riot I had no control over my well
- 23 being. The prison inmates and the state officials
- 24 had that control.





- I miss my Dad. He was a caring,
- 2 loving, and gentle man. He was affectionately known
- 3 to his friends as Big Al. He had a big heart, and he
- 4 became a lost soul after the riot.
- 5 It is now time for the state of New
- 6 York to pay back the forgotten victims of Attica and
- 7 their families for the terror, pain, inhumane
- 8 treatment, and loss of life that has inflicted upon
- 9 us -- that has been inflicted upon us over the last
- 10 thirty-one years. To resolve the wrongs of the past,
- I believe a formal apology on the steps of the state
- 12 capital by the past -- by the present governor -- I
- 13 believe a formal apology on the steps of the state
- 14 capitol by the present governor on behalf of the
- 15 State would be appropriate. Counselling funded by
- 16. the State for those who wish it should also be made
- 17 available. And a yearly memorial service at the
- 18 Attica Correctional Facility should continue. I
- 19 would also like to see the State consider a just
- 20 compensation for all the families of deceased
- 21 hostages, and for all surviving hostages, and/or
- 22 their families equal to the settlement Mrs. Jones
- 23 received in her lawsuit against the State.
- I want to thank you for listening.



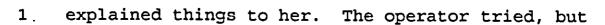
- 1 Hopefully, you will be able to do more than just
- 2 listen on our behalf. Thank you.
- 3 COMMISSIONER GOORD: Thank you.
- 4 Ms. Mitzel?
- MS. MITZEL: We have -- my son
- 6 Donald, has his statement, if you would like us to.
- 7 COMMISSIONER GOORD: It's up to
- 8 you, you can either read it or we'll -- we'll put it
- 9 part in the record if you like.
- MS. MYERS: It's hard to get
- 11 through.
- MS. MITZEL: I know it's hard to
- 13 get through. Well, if you can't, do you want me to?
- 14 I will -- I will read it. I'll try.
- He's got: "Donald W. Mitzel, live
- in the village of Attica, son of surviving hostage
- 17 Allen G. Mitzel who was shot in the back during the
- 18 retaking, now deceased.
- My father worked for the D.O.C.
- 20 from 1956 until his retirement in 1985. The
- 21 following is my account of what I witnessed during
- 22 the time of the Attica Prison riot, and what happened
- 23 to our family during and afterwards.
- I was eighteen years old, and



- 1 attending Gennesee Community College, affectionately
- 2 known as Value Tech, the temporary site for the
- 3 college that was a former store, on September 9th,
- 4 1971.
- 5 During the summer and also after
- 6. college began, I usually had breakfast with my
- 7 father. On occasion I would take him to work in the
- 8 morning so that my mother could have the car. During
- 9 these times, my father had told me many times, and
- 10 also the week of the riot, that something was going
- 11 to happen at the prison. He thought if something did
- 12 happen that he would be okay, since he treated the
- inmates fairly that worked for him in the metal shop.
- 14 And he also thought that they liked
- 15 him. My mother took my father to work on the day the
- 16 riot began. I was at college and happened to bump
- into Bob Curtis in-between classes. Coincidentally,
- 18 son of Lieutenant Robert Curtis, also a hostage. And
- 19 he told me they'd heard something was happening at
- 20 the prison. I then tried to call my mother at work.
- 21 She worked in the office of the local supermarket. I
- 22 could not get through because all the phones circuits
- 23 were tied up. I called the operator and asked if the
- 24 call could be put through as an emergency, once I







- 2 couldn't get through, but said she would ring the pay
- 3 phone back once a line opened up. I waited a couple
- 4 of minutes, then just decided to skip the rest of my
- 5 classes and go home.
- 6 When I got to the supermarket, my
- 7 mother told me that the operator had got through but
- 8 I wasn't there. She told me she didn't know how --
- 9 she didn't know much more than I did, except that
- 10 there was a riot, and didn't know if my father was
- 11 safe.
- I left the store and went home to
- 13 be by the phone in case we were called about my
- 14 father. Later that evening, after my mother had
- 15 gotten home from work, I went to the prison to see
- 16 what was going on; this was against her wishes, as
- 17 she didn't want to be left alone and she didn't want
- 18 to go to the prison in case the telephoned the house
- 19 about my father.
- When I got there, the road in front
- of the prison was filled with people; relatives, the
- 22 curious, news people and Elan a pickup truck parked
- 23 along the road with some guys partying with a keg of
- 24 beer. The lawn area by the prison was filled with







- 1 state trooper cars. You could see smoke and flames
- 2 above the walls of the prison. You could also hear
- 3 the shouts of the inmates, coming over the walls.
- 4 Nobody that I spoke with seemed to know much about --
- 5 much or where -- the whereabouts of my father. I
- 6 then returned home. No one had contacted our family
- 7 about the whereabouts of my father. On Friday,
- 8 September 10th, I stayed around the house keeping my
- 9 mother company; still no word of my father. Some
- 10 concerned friends and relatives were the only calls.
- I made a quick trip to the prison
- 12 with our neighbor to see if we could find anything
- out; nobody there seemed to know much.
- 14 My brother, who was in the Navy at
- 15 the Great Lakes Naval Station, had secured leave to
- 16 come home to be in my sister's wedding. I had to
- 17 pick him up since he was going to be dropped off in
- 18 Rochester around ten p.m. at a certain street corner.
- 19 Before I went, I contacted a friend
- 20 to go with me. When we got to Rochester, we had to
- 21 drive around the block for some time because there
- 22 was no street parking where he was to be dropped off.
- 23 When he finally arrived, I informed him of what was
- 24 going on at the prison. We got home after eleven





- 1 p.m. and there was still no word or official contact
- 2 on the whereabouts of our father.
- 3 On Saturday, September 11th, my
- 4 sister was getting married. The reception had to be
- 5 canceled, but they would still get married by the
- 6 justice of the peace. My brother stood up at the
- 7 ceremony as planned. I had to film it, as my mother
- 8 didn't go and obviously my father wasn't there; so
- 9 that they could view the wedding at a later date.
- 10 We, by this time, assumed my father
- 11 was hiding out somewhere in the prison. My sister
- 12 and new brother in law stopped later that evening and
- gave my brother a pistol to keep in the house,
- 14 because of rumors of inmate families coming to Attica
- 15 and causing trouble; especially for hostage families.
- 16 I remembered that he placed the gun under his pillow.
- 17 Also that night, someone either
- 18 called or stopped; I don't remember who, to inform us
- 19 that Dad was indeed a hostage and not to worry if we
- 20 saw lights in the backyard, as our house was being
- 21 watched. On the eleven o'clock news, we did view him
- in D.E.R. for the first time.
- On Sunday, September 12th, I again
- 24 went to the prison to see if I could learn anything.





- 1 The channel two newspersons was out -- out front
- 2 fumbling with a ring of many car keys. She asked for
- 3 help to find the right key to start the car, so she
- 4 could use the two-way radio. I did this reluctantly,
- 5 as I could tell she was connected to either inmate
- 6 families or the inmate-side of the story. I then
- 7 went home.
- 8 That night someone came by, not an
- 9 official, and told us that they would be retaking the
- 10 prison on Monday morning. I remember going to bed
- 11 early and I prayed hard for my father and for all the
- other hostages. I cried myself to sleep that night.
- On Monday morning, September 13th,
- 14 I remember lying in bed not wanting to get up. I was
- 15 afraid of what the resulting outcome might be. I
- 16 heard the helicopters and immediately knew what was
- 17 happening. I got up and saw the T.V. on with my
- 18 mother and brother watching.
- A premature report came on that
- 20 said that all the hostages were dead. They both
- 21 started to cry -- and crying, and were somewhat
- 22 hysterical, but I was just dazed and couldn't or
- 23 wouldn't believe it. Then my sister and
- 24 brother-in-law showed up and tried to calm them down.





- 1 It wasn't long before we got a call telling us he was
- 2 injured but alive. That he had been taken to the
- 3 Warsaw Hospital.
- 4 We all jumped into my sister's car.
- 5 My brother-in law drove ninety miles an hour, well we
- 6 don't think he drove that fast; most of the way
- 7 there, and were greeted by a nurse my mother knew.
- 8 We got to his room and you could tell there was tear
- 9 gas on him, as my eyes watered a little.
- He had been shot in the back, but
- 11 appeared to be okay. But I do believe my father was
- 12 delirious because of what he was saying that was done
- 13 to him by the inmates. My mother wasn't paying much
- 14 attention, but I told her to listen to what he was
- 15 saying.
- 16 He was saying that the inmates had
- 17 tried to make him into a woman while he was in the
- 18 yard. One of the doctors was summoned to -- who
- 19 examined him again and then he calmed down. You
- 20 could tell from this that he must have endured many
- 21 threats of bodily harm while blindfolded. I would
- 22 call this a form of torture, because it sure scared
- 23 him emotionally.
- Word got around that not all of the ASSOCIATED REPORTERS INT'L., INC. 800.523.7887



- 1 hostages survived. A feeling of guilt came over me
- 2 for praying more for my father than for the others.
- 3 I carried this burden for some time.
- 4 Afterward, the only contact my
- father had with the State that I'm aware of, was a
- 6 local meeting with the commissioner. He was never
- 7 informed of a choice of worker's compensation or
- 8 suing the state. He did not realize that he was
- 9 accepting worker's compensation in his paycheck.
- 10 My father joined the lawsuit with
- 11 the other surviving hostages and families, which
- 12 lasted for many years and did not end until after his
- 13 death.
- 14 . After Dad came home from the
- 15 hospital in 1971, you could tell that he was not the
- 16 same as he was before. He had become very emotional.
- 17 I know that at one point, he was smoking five packs
- 18 of cigarettes a day. He went back to work when
- 19 required to do so, but I know it bothered him again
- 20 to work behind the walls of Attica. He later
- 21 received a transfer to Albion, where he worked until
- 22 1985; retiring as the industrial superintendent.
- 23 My father passed away three --
- 24 three years later in February of 1988 of cancer. I



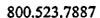
- 1 believe the riot played a part in this, because of
- 2 his increased smoking and also because of his
- 3 stressful, mental ordeal.
- 4 The state of New York had now won
- 5 twice in my father's case. The first time was the
- 6 denial of the lawsuit and the second time was not
- 7 having to pay the lengthy retirement he and my mother
- 8 deserved.
- 9 My mother bore the brunt of this
- 10 ordeal during the riot and after. I believe she
- 11 suffered more on the inside than we'll ever know. I
- 12 also remember for a time afterward, one of my aunts
- would call the house because they could bear
- 14 emotionally -- could -- I'm sorry.
- I also remember for a time after,
- one of my aunts would call the house because they
- 17 couldn't bare it emotionally to come and visit. You
- 18 could barely understand her because of all the crying
- 19 she was doing on the phone. As for myself, I
- 20 eventually stopped going to college, as I couldn't
- 21 concentrate on the work. I finally finished an
- 22 associate degree by going to night classes in the
- early '80s while working a full-time job and with a
- 24 family to support. I've gone through a divorce and



- 1 have since remarried.
- 2 To resolve the wrongs of the past,
- 3 I believe a formal apology on the steps of the State
- 4 capital by the present governor on behalf of the
- 5 State, would be appropriate. Costs would be funded
- for counseling by the State, possibly under workman's
- 7 compensation for those that request it; should be
- 8 made available without question. Our yearly service
- 9 at the -- service at the prison should continue as we
- 10 see fit. But most important of all, is just -- is a
- just compensation for the hostages and/or their
- 12 families. I personally would like to see
- compensation equal to the settlement Mrs. Jones
- 14 received, for all families of deceased hostages and
- 15 for all surviving hostages or their heirs. But
- 16 whatever amount is reached, it should be no less than
- 17 two hundred and fifty thousand dollars; the
- 18 compensation received by Mr. Big Blank (sic) Smith,
- 19 the highest paid inmate from the inmate lawsuit, won
- 20 in federal court.
- These are decent and ethical
- 22 requests for something that is and has been long
- 23 overdue. Please take care of these families. This
- 24 is my account of those years. Work assignments have



- prevented me from being present at any of the
- 2 hearings to testify in person, as I would have liked.
- 3 Please accept this as my written testimony for the
- 4 record.
- 5 Thank you. Respectfully, Donald
- 6 Wayne Mitzel.
- 7 COMMISSIONER GOORD: Thank you,
- 8 very much. We're going to -- we're going to take a
- 9 ten minute break and then we'll continue with Mr.
- 10 Royal Thomas Morgan and then we'll conclude the day
- 11 with Jamie Valone. Thank you, very much. Ten
- 12 minutes.
- 13 (A recess was taken.)
- 14 COMMISSIONER GOORD: Mr. Morgan,
- 15 good morning.
- 16 MR. MORGAN: I didn't win the
- 17 lottery.
- 18 COMMISSIONER GOORD: It's still
- 19 morning, Mr. Morgan.
- MR. MORGAN: Oh. I thought --.
- 21 COMMISSIONER GOORD: I didn't win
- 22 the lottery either.
- MR. MORGAN: Yeah, but you're
- 24 getting there.



Ι



1	COI	MISSIONER	GOORD:	I know. I
2	know.			
3	MR	. MORGAN:	I'll giv	e a little
4	background on myself	. My name	is Royal	T. Morgan. I
5	live at 1603 Cemeter	Road, in	Skaneate	les, New York.
6	I't	n a retire	d correct	ion officer

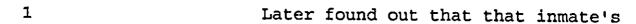
- 7 and I worked twenty-seven and three-quarter years for
- 8 the department of corrections. I started at
- 9 Greenhaven in April of '70, worked six months there
- and transferred to Attica in November -- November of 10
- '71, transferred to Auburn in '71 until 1988, which I 11
- 12 transferred to Cayuga, where I retired.
- 13 On September 9th, I had the barber
- shop company -- the other job I work is vacation 14
- 15 relief in Attica. That morning on seven to three
- 16 shift, after the briefing we were told about the
- 17 happenings of the day before. We were also told to
- open up the place like nothing had ever happened. 18
- That morning I took two companies 19
- of inmates to the breakfast; that's eighty-plus 20
- inmates. When I returned -- when we returned to 21
- V-yard, dropped them off, I'd picked up the keys from 22
- the staff sergeant and I would take my crew and go to 23
- 24 work.





- 1 Later Sergeant Cunningham came to
- 2 me and said there was a bad fight going on in
- 3 A-block, I was the only person they could spare and
- 4 handed me the keys and go see if you could help them.
- 5 When I went through B-block I saw C.O. Lewis was the
- 6 hall captain. He asked me where I was going, I told
- 7 him. He said, "Good luck, son."
- For some reason I checked the yard
- 9 door when I went by it, that was locked. And as I
- 10 was walking in the corridor towards Times Square, I
- 11 could hear the siren running. I looked at my watch,
- 12 it said eight fifty-five, I says, "Ooh." And I saw a
- 13 lot of silhouettes in Time Square, it was a bright
- 14 day or -- and I was just -- so much, I couldn't tell
- if they were inmates, guards or who they were.
- Just about then they broke through
- 17 Times Square and they rushed -- there was
- 18 approximately ten inmates. One went this way and I
- 19 was concerned that I -- what was -- the others that
- 20 were coming at me, the one that went around me, came
- 21 up in back and hit me in the -- over the head with a
- 22 piece of two-by-four. It didn't knock me out, but I
- 23 went to the floor and I did feel the inmates hitting
- 24 me, but I couldn't feel the pain.





- 2 last name was Plumber. He was also one of the main
- ones in Auburn's riot in November of '70.
- 4 As I entered, the only way that I
- 5 can figure that these people would stop beating me,
- 6 if I curl up; I was trying to protect my head as much
- 7. as possible, in a ball and act like I was completely
- 8 out of it. Someone did -- did make the comments, "It
- 9 looks like he's had enough. Let's leave him alone.
- 10 We got the rest of the jail to take."
- 11 After they left me, I sat up on
- 12 a -- on one of the radiators that was there, trying
- 13 to collect my thoughts and I noticed a big pool of
- 14 blood, and I didn't know whose that was. Come to
- 15 find out, it was mine from wounds received in the
- 16 head or the -- the beat on the head.
- The next group that came down, the
- 18 leader had a weight-lifting bar. He had it cocked
- 19 like he was going to try to hit a home run. And he
- 20 says, "Give me your uniform -- give me your clothes."
- 21 Well, I tried to comply what he -- his request, but I
- 22 couldn't get them off fast enough, so he -- they kind
- 23 of ripped the shirt off. They threw it -- everything
- 24 out in the B-yard, through one of the open windows.





- 1 They told me to lay back on the floor, which I did.
- 2 After they left, I kind of
- 3 looked -- thought, "This is -- well, the only way out
- 4 of here is through A-block and that's through Times
- 5 Square and up." And I didn't notice, I mean, at the
- 6 time, there was not that many inmates or people
- 7 around time square, so that's where I went.
- 8 I was approached by an unknown
- 9 inmate, stating that there was an officer severely
- injured and needed help. And as I got to the group,
- 11 they were circled around him, reached down to pick
- 12 him up, I had another inmate come around from the
- 13 backside and inform me my face wasn't pretty enough,
- 14 he was going to rearrange it. So he hit me twice in
- 15 the face while I had this officer in my arms.
- I had another inmate speak to him,
- 17 said, "Leave him alone, he's mine, I want him"; which
- meant me, and I thought, "Oh, boy. This guys got a
- 19 football helmet on, he's got a hammer in his hand."
- 20 I figured -- and I just locked him up the month
- 21 before for refusing to work. I though it was going
- 22 to be retaliation time, but he said, "Mr. Morgan,
- 23 I'll get you out of here or I'll hide you."
- One -- I carried this officer up to

- 1 the hall captain's area of A-block. It got so I
- 2 couldn't hang onto him anymore and my wrist was about
- 3 the same size as my hand and forearm and there was a
- 4 mattress there. So, I set him down. I walked up to
- 5 the main gate that goes to the administration
- 6 building there and kind of yelled down to them that I
- 7 had a severely injured officer that needed to be --
- 8 up here that needed help. I must have looked kind of
- 9 funny, bleeding from the head, nude except for my
- shoes and wrist watch; and they just stood there,
- 11 they didn't Elan move.
- 12 I was -- then the inmate -- this
- inmate whose name was Rodriguez, funny how you can
- 14 remember things; says, "Let's go. We'll try to hide
- 15 you in case the rioters come back." So I went up the
- 16 eight company thirty cell and he showed me how to
- 17 block the door with a bat. In case they did return,
- 18 they brought a piece of wood down. Tried to find me
- 19 clothes, but they couldn't find nothing my size.
- 20 Later in the -- then I was trying
- 21 to get my bleeding stopped. Funny thing, you know,
- 22 you're sitting in this cell; you're mind plays
- 23 tricks, it plays a lot of stuff with you. I was
- 24 wishing I was back in Vietnam -- going from the



- frying pan to the fire. And that I wouldn't be able 1
- to see my brand new motorcycle that I had just 2
- ordered. But you just -- mind plays havoc with you 3
- 4 in situations like this.
- 5 Later they -- somebody come down
- and said they got the officer out -- the officer that 6
- was -- that you brought up, out. And later on, I 7
- don't know the time, it seemed like forever, it could 8
- have been only a couple hours, I don't know; they 9
- 10 come down and said we had a chance to get -- there's
- five of you, we're going to get you out. 11
- 12 Got down to the gate, one of the
- civilians and C.O.s come up to the gate; they had gas 13
- guns, shot guns and whatever and we got out -- the 14
- barrels looked humongous -- most welcome site I've 15
- 16 seen.
- 17 When I got up to the administration
- building, they finally gave me something to put -- to 18
- wrap up -- with a blanket to wrap up and then I had a 19
- 20 doctor look at me and he said, "This guys got to go
- to the hospital." So, we got loaded in a sheriff's 21
- car, went to Warsaw. While they were doing the 22
- stitching and whatever -- x-rays and looking at me, 23
- looking me over; I asked them if I could give my wife 24 ASSOCIATED REPORTERS INT'L., INC.







- 1 a call.
- 2 She didn't Elan know this riot went
- 3 on. No one -- no one to this day, has ever called
- 4 her from the department of corrections. She made it
- 5 though from Batavia to Warsaw in twenty minutes,
- 6 stopping off to find somebody -- I don't know what
- 7 supersonic jet she used, but she used something.
- 8 And then the hospital released me.
- 9 They said there's probably going to be more severely
- injured people. We'll leave the "whatever" open for
- 11 them.
- So we went -- we went home for a
- 13 while. I went back to Attica, because my car was in
- 14 the parking lot, I was going to get that. There was
- 15 a bar in Attica there that -- just by the railroad
- 16 tracks. I stopped there to get a pack of cigarettes,
- of course a lot of families -- members and people
- 18 there that's, "Have you seen so-and-so, did you see
- 19 the -- how about this person?" Well I was -- just
- 20 didn't think at the time.
- 21 Well back up. But when I was --
- 22 before they shipped me, I asked -- to the hospital, I
- 23 asked the people, who the officer was that I brought
- 24 up and they told me his name was Quinn. This is --





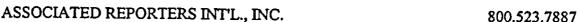
- and I thought -- I says, "I didn't Elan recognize 1
- him." The -- the -- from the blows, from his 2
- injuries, the way he was bleeding, as -- as I said 3
- before, I was vacation relief and one of them was a 4
- school runner and you use to bring me a -- to Time 5
- 6 Square and that was where his job was and watch them
- go together to the other blocks. We'd sit there 7
- and -- we'd stand there and talk, but I didn't Elan 8
- recognize him. Friday, the 10th, I've had -- oh. 9
- 10 yeah, back up.
- 11 The hospital -- for the injuries I
- received, I had twenty-eight stitches in the head and 12
- I've lost twenty-five percent of my right wrist and 13
- 14 I'm right-handed.
- 15 On the 10th, I had the press call
- 16 in my -- the trailer parked where I lived. They had
- shown up and I didn't know what to do, so I called 17
- the jail. They said, "Don't talk to them, why don't 18
- you go down home to Auburn." So I did. 19 I had to get
- 20 my glasses back anyways. "Don't worry. You'll
- get -- we'll take care of you. Take the amount of 21
- time off that you need." 22
- 23 I come back Sunday night.
- up Saturday morning by other people in the trailer 24 ASSOCIATED REPORTERS INT'L., INC.





- 1 park saying something's happening and I found out
- 2 they retook the -- that's when I found out they
- 3 retook the -- the prison. That Wednesday I went in
- 4 for my paycheck and I also had a talk with B.C.I. and
- 5 prison people and to look at photographs, try to I.D.
- 6 people that did the -- the assault on me and other,
- 7 you know, what -- everything I'd done.
- 8 And then they says, "You know,
- 9 don't worry. When you return to work -- you're going
- 10 to get a full paycheck. No problem. Just -- just
- 11 come back when -- when you're ready." Some time
- 12 later, they had a meeting in the superintendent's
- office with representatives from the commissioner's
- office and they gave us all these promises. They
- 15 said, "You're going to have super-seniority, take any
- 16 bid that you want, you could be transferred to any
- 17 jail that you want and some others, but the only one
- 18 I got was the transfer." When I got back to Auburn,
- 19 they said well, "That was Attica, this is Auburn.
- None of those promises -- none of those things are
- 21 here."
- When it come time for the trials, I
- 23 was told by a judge in Rochester, that I cannot file
- 24 a law suit against that State because of -- getting







- 1 assaulted by inmates was considered a hazard of my
- 2 job. I don't remember signing on the dotted line to
- 3 that I was going to lose a certain percentage -- use
- 4 of my body for the State because the inmates suffered
- 5 too much in their retake-over of the prison; that's
- 6 what I was told --.
- 7 I did have a comp hearing. They
- gave me thirty-five weeks for the loss of use of my
- 9 wrist, but they said, "For the six months you were
- out, you're going to have to pay back the ninety
- 11 dollars and you're only going to get seventy." And
- when I asked that -- why the difference, they said,
- 13 "You either take it or leave it. That's it, bottom
- 14 line."
- I had to have two operations on --
- 16 of -- like I said, I've lost twenty-five percent;
- 17 being right-handed, that's kind of interesting.
- 18 There's a lot of things I can't do with it. I have
- 19 no grip. And I do have a lot of cramping and
- 20 swelling when I do use it. So, I'm constantly being
- 21 reminded about it.
- 22 It took me four years in Auburn to
- 23. work the day shift, and that was after the lieutenant
- 24 says, "You either start learning the day shift again



- or find yourself another job, because there's no
- 2 place for the -- in this department for you." The
- 3 first time I walked in the population, it was like
- 4 walking into a brick building and it bothered me for
- 5 years and years afterwards. Every time I'd see
- 6 inmates running, I'd start getting nervous, start
- 7 shaking. Whenever I do something, I'd say, "You
- 8 idiot. You just went through one of these things.
- 9 What are you going to do -- why are you going --?"
- 10 But I still -- I did my job.
- 11 Also when this happened, I would
- 12 stop -- especially if I had -- if there was a big
- 13 fight or something in the -- then I'd stop off to the
- 14 bar and start drinking. I kept start -- I just kept
- on doing -- and won't -- and in '79 I said to
- 16 myself -- and I don't know what made me wise up, but
- 17 I says -- the wife tells me this; she didn't have the
- 18. problem. So I bid midnights and I stayed on
- 19 midnights for a while, until I went to Cayuga and
- 20 then I -- by then it was better, but I still had the
- 21 problem.
- Just before I retired they asked
- 23 me, for a stress to -- to do a spiel on Attica to say
- 24 what I went through. And they taped -- they -- then



- 1 they taped it and when I finally -- when I got my
- 2 copy of it, the wife looked at it for the first time
- 3 and she says, "I never realized what you went
- 4 through, " because I wouldn't talk to her. I might
- 5 talk to other C.O.s, but because, you know, fellow
- 6 C.O.s, they understand. I never thought my wife
- 7 would. And I put her through a bunch because of this
- 8 day. She didn't deserve it, but I find that's the
- 9 only way you could talk.
- I wasn't offered anything, wasn't
- offered any debriefings, stress whatever, I wasn't
- offered any of that stuff. I was on the transfer
- 13 list. You being on the transfer list, you didn't get
- 14 a lot of stuff. You didn't get weekends, days off
- 15 changed all the time, never got a weekend, never got
- 16 a vacation; took two years to get a vacation with the
- 17 department and that's after I got back to Auburn.
- 18 But I know a lot of good things became of this
- 19 Attica, but I don't -- you need it. You need someone
- 20 to talk to. You need someone to relate this to and
- 21 that will help you get a closure on it to be able to
- 22 try to live your life normal -- but to --.
- 23 Everybody's been involved that's in
- 24 this audience. They'll never have a normal life
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- 1 again, because of this day.
- I don't know. I think that's it,
- 3 because I -- thank you for listening.
- 4 COMMISSIONER GOORD: Thank you,
- 5 very much Mr. Morgan.
- 6 (Applause)
- 7 MR. MORGAN: Thank you.
- 8. COMMISSIONER GOORD: Thank you
- 9 very, very much.
- Mr. Jamie Valone, please. Good
- 11 morning.
- MR. VALONE: Good morning. My
- 13 name's Jamie Valone. My father was Carl Valone. I'd
- 14 like to apologize to everybody, because I've been
- 15 having a real difficult time with this, and I've been
- 16 really trying to prepare for this and to say it's
- 17 been difficult is a mild way of putting it. I didn't
- 18 sleep at all last night and previous nights.
- I just -- just how -- I'd like the
- opportunity to say a few things, because I know it's
- 21 . not going to come out the way I want it to and I'm
- 22 just tossing them out randomly. Hopefully I can
- 23 finish preparing and be able to either speak again or
- 24 at minimum, hand a statement in. Thank you for that.





- 1 Let me see if I can just grab a few
- 2 things, but -- I've -- I've found that I'm a really
- 3. angry person, so --.
- 4 One of the points was posed
- 5 counseling; thank you. I'm glad to say. Wish we
- 6 would have had it years ago. It has been afforded to
- 7 us, I think it's very important. A lot of members
- 8 here don't state it so much, but I know that, you
- 9 know, for what I'm going through, I'm sure they have
- 10 similar difficulties and just too proud or don't want
- 11 to be caused any more emotional pain by having to,
- 12 you know, bring it up or ask for it.
- 13 I've tried to get some counseling
- in the past, unfruitfully because either of not being
- 15 able to afford it or the length of -- the insurance
- would take for it or mainly trying to find somebody
- 17 that's competent. Most of the time they want to give
- 18 you a social worker; which I'm not knocking the
- 19 profession, but so far for me, you know, I haven't
- 20 found the right person. And just to throw a band-aid
- on and say, "Oh, we're going to give him counseling,"
- sounds good, but I really think we should have some
- very, very qualified counseling if you're going to
- 24 make it available to us. And I really think you



- 1 should.
- 2 Some of us live in different areas
- 3 of the country. We're not all here, so it can't be
- 4 some place that's already in place.

in the state of the property of the state of

- I do appreciate you gentlemen being
- 6 here and the time, however, it is very difficult. At
- 7 times I've gotten really angry at members of the
- 8 panel, and I wish it wasn't like that, but some
- 9 things were said that don't seem to make much sense
- 10 to me or angers -- Arthur in response to you, I
- 11 really appreciate you being one of the observers back
- in '71 and trying to make a peaceful solution to
- 13 that. I feel sorry for emotional problems you've had
- 14 and what might have been with your family, because I
- 15 know what it's like and then some. And I feel sorry
- 16 for you for that.
- In regards to previous testimony,
- 18 you mention something about race and said how we
- 19 should pass along to our families and not to be --
- 20 have racial hatred and whatnot. I want to let you
- 21 know, I don't have that. I have a lot of different
- 22 friends from different cultures and races and I -- I
- 23 enjoy them very much. And I agree with you, I mean,
- 24 there's too much racial hatred out there. I feel





- that my father wouldn't have been killed possibly, if
- 2 there wasn't so much racial hatred back in '71.
- I believe I was thirteen at the
- 4 time and to try to tell you what it was like, it's
- 5 impossible. Some things you just don't want to speak
- 6 about, some you don't want to remember, but I do
- 7 remember a lot of people coming over to the house a
- 8 lot and some were uniformed officers, some were plain
- 9 clothes officers, some were just, you know, friends
- 10 and family and general public.
- And then when I finally left the
- 12 house too, I want to let you know how consumed the
- 13 community, and I lived in Batavia; was with it. And
- 14 I could understand why, because you saw on T.V., you
- saw a bunch of mostly black, you know, very
- 16 militant-seeming, helmets, masks and it was very
- 17 scary for me to see that, thinking that my father was
- 18 involved with these kind of people. And you could
- 19 see why the community was so angered by this. And I
- 20 joined them in that. I was, you know, I -- I'd hear,
- 21 you know, everybody in -- and police, in particular
- 22 too, saying how, you know, "Don't worry. They're
- 23 going to get theirs. We're going to get your father
- 24 out." And there was a lot of anger and hatred.

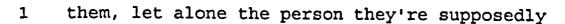


And for me to think the Sta

- 2 allowed these really angry -- and I'm going to tell
- 3 you, I mean, men to go in there, because I mean, it
- 4 was like a war mentality to me, because it wasn't,
- 5 you know, a man-to-man type thing, I mean, it was
- 6 like -- there were other words used, but it could
- 7 have been like, you know, a Chink, a Jap or whatever
- 8 and they were making them less than human to go in
- 9 there.
- And there's no, you know, no doubt
- 11 about how people were, you know, killed and murdered
- in there, in my opinion; just from how I remember the
- 13 emotion rising and how people went in there and
- 14 knowing how massacres occur, like the My Lai
- 15 massacre.
- And I feel bad for that. I'm not a
- 17 prisoner advocate. I'm a human advocate and I do
- 18 feel bad for the prisoner's families who have maybe
- 19 gone through a lot of pain, as well as -- as I have.
- I mean, some people might not agree
- 21 with me in that point, but I -- I figure all people
- 22 aren't the same. I figure some of those people; and
- 23 my father, who told me a few times that some of the
- 24 guys who are in there, made some mistakes, but

- they're not the really horrible people that people
- 2 make them out to be. I think people make mistakes
- and can change. I wish the prison system offered
- 4 more ability to do that. I think a lot of the
- 5 criminals in society wouldn't be so much like that if
- 6 our society was better and not so set up to make
- 7 personal gain above making a better human race.
- 8 Senator Volker, I've been really
- 9 angry at you sometimes for comments -- and I'm not
- 10 going to beat up on you. I don't see the purpose. I
- 11 just -- I know you have a police background and you
- 12 have friends that are police. I have some too.
- I think it's fine when people are
- 14 trying to do their jobs and they're trying to protect
- 15 and serve the community. But I also think it's wrong
- 16 when they go in and do things like they did at
- 17 Attica. I think my father was murdered. I hate the
- 18 reference that he was killed by friendly fire,
- 19 because I don't see any friendly fire that was in
- 20 that yard with the rage and anger that was going on
- 21 and reprisals. Not to mention, I can't see how you
- 22 could -- anybody could believe they were trying to
- 23 rescue the hostages when they -- especially go in
- 24 with shot guns, which will blow up anybody next to





- 2 shooting at. Not to mention, the amount of gunfire
- 3 that was thrown in that yard.
- I wished we could have something
- 5 like a truth and reconciliation commission set up, so
- 6 that maybe it could really open all the records and
- 7 clean out the whole house and make everybody's souls
- 8 feel cleansed by this. I wonder if there's any
- 9 police officers who are maybe, possibly tortured by
- 10 what they may have done in that yard that day and
- 11 fear that they might be put up on -- brought up on
- 12 murder charges for it, if they did so. And I feel
- 13 bad if they're tortured about that, because they can
- 14 make mistakes too and they should be forgiven in
- 15 time.
- I wish the State might afford
- 17 something like that, so that could happen, because I,
- 18 you know, I hate thinking anybody else is damaged by
- 19 this, as well as, you know, our families.
- In reference to -- I really think
- 21 people should take note how this can effect the
- 22 family. And I really can't tell you, like I'd like
- 23 to, because I think you have to live it. Some
- 24 families might have been less hurt than me, I don't



- 1 know. I know my family's totally devastated. My dad
- 2 was the nucleus -- the atom of our family and when he
- 3 was gone, we protons and neutrons -- we just exploded
- 4 all over the place.
- We tried to protect one another,
- 6 because we were kind of left alone in a sense,
- 7 because nobody really knew how to deal with us.
- 8 The community kind of walked away
- 9 to a degree, Elan family members, because, you know,
- 10 they felt bad for us and they didn't know -- and we
- 11 didn't have any contact with any of these families;
- 12 let alone the State trying to help us out.
- So, we pretty much stayed to
- 14 ourselves and were also braced with trying to help
- 15 each other, but it didn't make for a good situation
- on our family home life. It was very dysfunctional,
- 17 chronic depression and problems that are still to
- 18 this day. A lot of other problems that are on a
- 19 personal nature and I don't really care to discuss
- 20 too much of them, because I don't see the benefit
- 21 here. If -- if I knew there would be some reason for
- 22 me to give these personal things out, that would
- 23 really help the situation or motivate you people to
- 24 do the right thing -- and I don't mean the minimal





- thing, I mean the maximum thing you could do for us;
- 2 I would do it. I would fall on the sword for it.
- 3 But I -- I don't see the benefit in that.
- 4 I'd like to let you know one thing
- 5 that was horrible that happened. My brother Carl's
- 6 dead. He committed suicide. And it's because the
- 7 State has allowed this to continue on like it has and
- 8 not do the right thing. He got into drugs soon after
- 9 my dad died, Elan though he was a little kid;
- 10 somebody offered it to him to take it away and he was
- 11 never able to stop. He was also, I think, more
- 12 traumatized than any of us in our whole family.
- 13 At one time, before we knew that
- 14 the State actually had shot and killed all the
- 15 hostages, when we were believing that it was the
- 16 awful inmates, from what the -- was put out there by
- 17 the state, my brother grabbed my father's hunting
- 18 rifle and was walking down the street to go to Attica
- 19 for reprisals. And fortunately he was stopped by the
- 20 family priest who was coming to the house to pay us a
- 21 visit. That's just a mild example of how hurt this
- 22 kid was, and what's continued to hurt us, and there's
- 23 nothing being done.
- I mean, to me this is a Watergate





- 1 that got away and the State did a hell of a job
- 2 making it -- making it not coming out, but the
- 3 problem is, it just never goes away. It's been
- 4 eating me and my family alive for years. It's cost
- 5 us dearly; these people as well, I'm sure.
- 6 My mother struggled really hard to
- 7 try to raise us right, teach us right from wrong and
- 8 tried to make the best for us given the
- 9 circumstances. the state, I don't think they
- 10 understand right or wrong or only when it -- it
- 11 applies to what they want. I apologize to my mother
- for all the years -- I'm sorry --.
- COMMISSIONER GOORD: Take as --.
- MR. VALONE: -- the years of hell
- 15 that you've given her. Nobody knows, you know, what
- 16 it was like for us kids because we would see my
- 17 mother and say, "God. How could you let the State do
- 18 that to us, you know, how could you let them treat us
- 19 like that? How could you let them not be
- 20 responsible? How could you let them get you to sign
- 21 those checks, so you wouldn't -- thank you -- you
- 22 know, we -- sue them for what they did?" And I mean,
- 23 the poor woman did the best she could and how messed
- 24 up she was at the time; I couldn't Elan imagine.





- 1 Here I am a kid trying to make sense of it years
- 2 later and I -- I feel -- well, the woman's lived a
- 3 real tortured life and so have we.
- 4 I don't know what you gentlemen's
- 5 intentions are for real. I don't really trust too
- 6 well, given what's happened to me in my life. I hope
- 7 you can understand that. I hope that you're going
- 8 to -- I'm a pessimist and I hope you guys are going
- 9. to surprise me and do everything you should by us.
- I mean, the fact that people really
- 11 did try to help people in the twin towers disaster; I
- 12 don't see the difference between that and how it is
- 13 now for us. In fact, I think Elan more so, people
- 14 should rally around us, because it's been thirty
- 15 years plus and we're still messed up and tortured
- 16 from this. I don't care if it was some outside
- 17 terrorist or an interior person that does it, a wrong
- is a wrong and people getting killed and people being
- 19 tricked by an act of compensation and stuff like
- 20 that, is wrong and it should be taken care.
- I appreciate being heard. I hope
- 22 the governor will really do something that will
- 23 really benefit us and help us and make us feel like
- 24 winners again. Because I tell you, I've been beaten





- 1 down by this and beaten down by this and I've watched
- 2 my mother get up with Helen Cunningham and try to do
- 3 things and see them getting beaten down. And I don't
- 4 want to see that anymore.
- 5 You all know our five points. I
- 6 think they're all important, very much important.
- 7 For me, I can't really decide which one's more
- 8 important. I've already made my mention about the
- 9 counseling. The records, I don't know what's left,
- but I would like to see everything; I'm talking
- 11 office memos, everything out there. And I know, it
- 12 might take some time for me to view it, but I also
- would like to see it out there for educators, anybody
- 14 that wants to see it, because I want people to know
- 15 the truth and what's out there. It's history and the
- 16 stuff that wasn't burned up in state police fire
- 17 places or what not, whatever's there, I want to see
- 18 out there.
- I'd like to see my dad's autopsy's
- 20 at a bare minimum. I've tried to get it and
- 21 unfortunately, I haven't been able to get it; Elan
- 22 though some people act like it's easy access. It
- 23 hasn't been for me. A FOIL didn't get it there for
- 24 me and I wanted to see that at a minimal.





- 1 Memorial service, that is very
- 2 important to us. People stated it before, I don't
- 3 want to state it again.
- 4 An apology, I don't know in what
- 5 form that would be. I've talked to legislatures
- 6 before in Albany and they told me that the State
- 7 would never apologize, because the State doesn't
- 8 apologize for things and also it would make it seem
- 9 that the State might be liable for more things if
- 10 they start this precedent. Sounds kind of ridiculous
- 11 to me, but that's what I was told.
- As far as reparations go, my family
- 13 and a number of families, would not accept an
- 14 adequate amount and I trust and hope that you will
- not penalize other people if they don't follow suit
- 16 or the same way.
- I know I'm going to regret not
- 18 saying quite a few things that I wanted to say, but I
- 19 already expressed how difficult it's been for me. I
- 20 appreciate your time. I will really, really
- 21 appreciate it more if something really, really
- 22 spectacular is done here. We deserve it. Too many
- 23 people have been really messed up and screwed up by
- 24 this. Some people have died since then because of ASSOCIATED REPORTERS INT'L. INC.





- 1 this. I don't want it any more.
- I hope people really, really
- 3 seriously want to do something about this. Thank
- 4 you.
- 5 COMMISSIONER GOORD: Thank you,
- 6 very much.
- 7 (Applause)
- 8 MR. VALONE: In -- in addition,
- 9 I -- I wanted to include this and it's somewhat
- 10 comical, but this is how I see Governor Rockefeller
- 11 treating the hostages and survivor's families and
- 12 the -- these people that died as well, but that's
- Rockefeller during an election in '76, where he was
- 14 being heckled by a protester and he got caught on
- 15 camera giving the bird to him. But that's the way I
- 16 think he's treated us. I -- I don't understand
- 17 it --.
- I don't understand what harm could
- 19 have happened for him to address the prisoners, Elan
- 20 from a distance, at that time other than he might
- 21 have to get out of this mansion to be there and maybe
- 22 save some lives, other than to maybe making himself
- 23 look tough on crime or something for future political
- 24 gain. And I think that's a lot of what's happened in





- 1 Attica. Everybody's been trying to cover their butts
- 2 too much, rather than do the right thing by people.
- 3 That's it.

والمقاومة والمسور المدادي المساوية المحارية المانية المواهروة هما التاكية المتقدم فعاجات فالمتعادم

- 4 COMMISSIONER GOORD: Thank you.
- 5 MR. VALONE: Thank you.
- 6 COMMISSIONER GOORD: I -- I want to
- 7 add a couple of things based on what Mr. Valone said.
- 8 Anyone of you who have additional things that you
- 9 forgot to say or you would like say, you know, get it
- 10 to us and we will somehow either make it part of the
- 11 record after or something or if we can; I don't know
- if we can, add it to what your original one, but just
- 13 if you have things that you've been sitting here and
- 14 listening and you need that added, that's fine.
- 15 I've been asked to let Kentt
- 16 Monteleone have a few minutes to finish up the things
- 17 that he had forgotten. And I need to see Mr. Horton
- 18 and Dee Quinn for a second over there. I don't know
- 19 where Dee left to.
- 20 UNIDENTIFIED SPEAKER: She'll be
- 21 back.
- 22 COMMISSIONER GOORD: Okay. When
- 23 she gets back and -- Mr. Horton, we'll just go over
- 24 there.

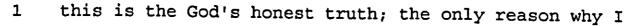
- 1 Good morning.
- MR. MONTELEONE: Good morning. I
- 3 know I testified yesterday morning and I seem to have
- 4 left out quite a bit, because I let the emotions get
- 5 the best of me yesterday.
- I'd like to try to tell you what it
- 7 was like growing up after the riot. I was only seven
- 8 years old when it happened and like I said yesterday,
- 9 I have no memory at all of my father. Growing up --
- 10 going up through the ranks and starting up through
- 11 elementary and stuff, I had Mrs. Croats as a teacher.
- 12 I never Elan knew about her husband. I never Elan
- 13 knew about her husband. Mr. Stockholm used to teach
- 14 A.U.A.A. ball; I could remember that. I never
- 15 knew -- knew you were a part of it.

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- G.B., you're daughter; we used to
- 17 sit on the track bus and talk and talk and talk.
- 18 Until the first time down at those meetings, down at
- 19 the Q.W. Hall, I never knew. I walked up to her and
- 20 I said, "What the hell are you doing here?" And then
- 21 she told me, I was just -- I was blown away. I never
- 22 knew.
- 23 It just -- these things you -- you
- 24 guys just -- you can't feel the pain that we go



- 1 through on a daily basis. There is times where I get
- this pain, like somebody's just reached down through
- 3 my chest and has got a hold of my heart and just
- 4 squeezing the ever living life out of me. This
- 5 happens at Walmart, K-Mart, at work. It's
- 6 uncontrollable.
- 7 All the Sunday rides that I've
- 8 heard we took; I don't remember. I've got a picture
- 9 of me sitting in a space ship two days before the
- 10 riot started, for the state fair; I don't remember.
- 11 There is just so much pain and I
- 12 was -- the nasty, violent temper that I had; I put my
- 13 mom through hell, I know I did. All the
- binge-drinking I use to do, it just -- it's
- 15 never-ending. And the -- I know my wife's not here,
- but I'd like to say that I'm probably -- if I would
- 17 have never met her, I might not be sitting here right
- 18 now.
- I was totally out of control for
- 20 most of my life. The violent temper, a lot of fights
- 21 and growing up like people would say, they didn't
- 22 want to tell you if you were from Attica, because
- "Oh, wow, they let you out?"
- I wrestled since sixth grade and



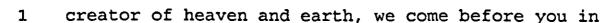
- 2 went there, is so I could physically abuse somebody
- 3 and get away with it. I didn't care who it was;
- 4 especially if they -- before the match they would say
- 5 something about Attica. I wouldn't go out there to
- 6 win, just to hurt, maybe to pass it off on somebody
- 7 else, so it wouldn't hurt so back any more.
- 8 That's why my biggest thing is
- 9 opening the records. I would love to see my father
- 10 alive one more time, because I have no memory of him
- 11 at all. Elan if it is a glimpse on the table, maybe
- 12 to hear his voice, maybe that will bring back some
- 13 memories.
- 14 I felt bad for everybody that
- 15 survived and I'm sorry. I -- to this day, I still
- 16 don't know how to deal with it.
- Mike, you've been a -- you've been
- 18 great. Dee, I can remember seeing you in the halls,
- 19 running up and down the hallway. I mean, you just
- 20 don't understand what this did to this community and
- 21 every since this group has gotten together, it's made
- 22 it a lot easier to deal with, because this is more
- 23 counseling for us than we've every had a chance to
- 24 Elan be afforded to have; by talking with a lot of



- these guys that maybe knew my father, just so I could
- 2 have maybe just a little -- little something to go
- 3 on. Just -- and I'm hoping that the counseling will
- 4 help me and I hope -- I just hope it's over soon.
- I mean, I've told you some of the
- 6 things, like sitting on the silo, just plotting how I
- 7 could get Elan, for years and I didn't care -- did
- 8 not care. And I'm not like that.
- 9 But I do hope you guys will help us
- 10 out. I really do. I hope in all sincerity, you can
- 11 help us out before it is all too late. And I
- 12 appreciate you letting me come up and say the things
- 13 that I forgot to say yesterday. And -- and hopefully
- 14 I'll feel a little better, get some sleep tonight; no
- 15 guarantee, but I have to.
- Thank you.
- 17 (Applause)
- 18 COMMISSIONER GOORD: Thank you,
- 19 Kentt.
- I'd like to thank everybody. I'd
- 21 just like to thank the -- all the people that took
- 22 the time to tell their stories and thank all the
- 23 Attica victims for sharing this with us. And, we
- 24 have -- as you all have stated to us, we have our



- 1 work cut out ahead of us, to go through everything
- 2 that was said and go through all the things that you
- 3 made part of the record and we will try to do that
- 4 and go through it as expeditiously as possible.
- 5 I know some of you wanted to make
- 6 some closing statements. As -- as I said earlier, if
- 7 you have things that you didn't have the chance to
- 8 say, you know, just you know, send it to us and get
- 9 it to us. But I really do, from the bottom of my
- 10 heart, thank you and on behalf of my panel members,
- 11 thank you for sharing this story with us today and
- 12 the last -- other five days. So thank you very much.
- 13 Thank you.
- MR. EVE: Is there a deacon here
- 15 who can lead us in prayer before we go? We'll
- 16 have -- ask God's guidance. Is there a Sunday School
- 17 teacher?
- 18 UNIDENTIFIED SPEAKER: Arthur.
- 19 MR. EVE: Okay.
- 20 UNIDENTIFIED SPEAKER: You do it,
- 21 Arthur.
- MR. EVEN: Let's everybody hold
- 23 hands, wherever you are. I always hold hands.
- God, our heavenly father, maker and



- 2 the name of Jesus and with your holy spirit, to say
- 3 thank you for all these people who have suffered so
- 4 much, for so long.
- 5 The father God, we thank you for
- 6 the commissioner and Dale Volker and my colleague,
- 7 Jeff Aubry; we have learned so much. And we've also
- 8 shared the pain with many of those who testified here
- 9 over these past six days.
- 10 Father God, guide us; the four of
- 11 us, guide the governor, the speaker, the majority
- 12 leader. Touch all of our hearts, our minds, our
- 13 souls, our spirit and speak to us, Lord. Speak to
- 14 us, speak to us. Give us wisdom, guidance and truth,
- 15 as we try to do your will for those who suffered so
- 16 long.
- Father God, bless each and every
- one as they travel to their homes and back to New
- 19 York and to Albany.
- Father God, never leave us alone;
- 21 never leave us alone. May your Holy spirit accompany
- 22 us wherever we go and whatever we do, so that it will
- 23 be to your glory, the glory of God the father, God
- 24 the son, God the holy spirit.

1			Let us al	l say, amen.	
2			UNIDENTIF	'IED SPEAKER:	Amen.
3			ALL: Ame	en.	
4			MR. EVE:	Thank you.	God save us
5 ·	Yes.	Thank you,	Jesus.		
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1		
,	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 103, 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	11. 0.0.15.1 mg
	14	Junelan J. Sambor Q FF
	15	Michael Sanborn
	16	State of New York
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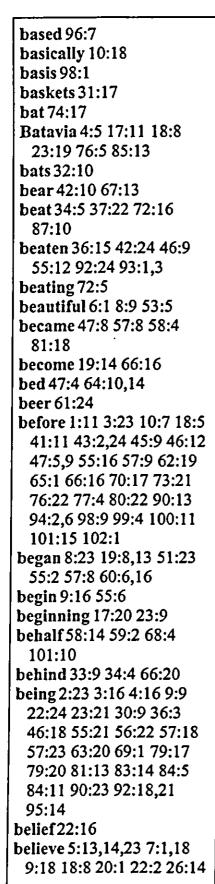
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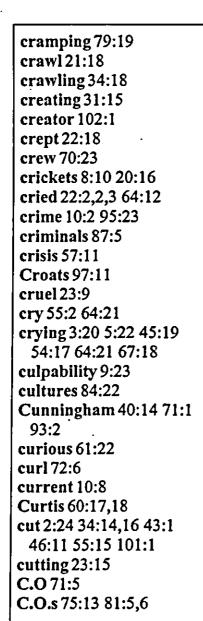
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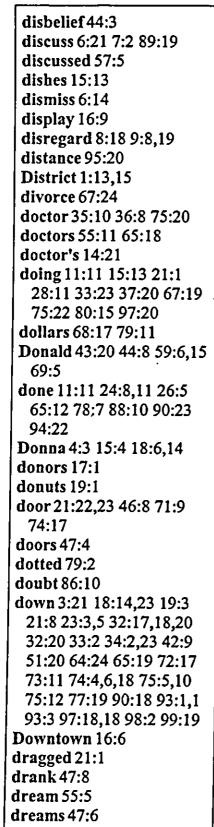
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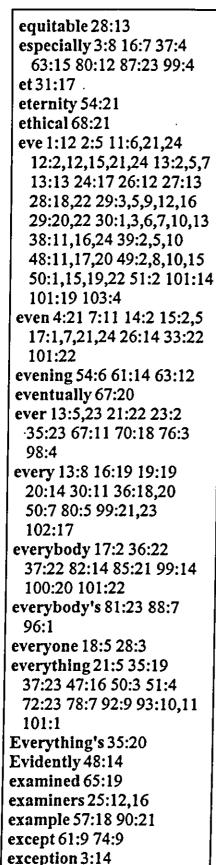
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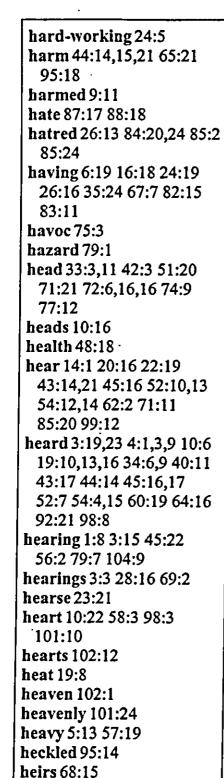
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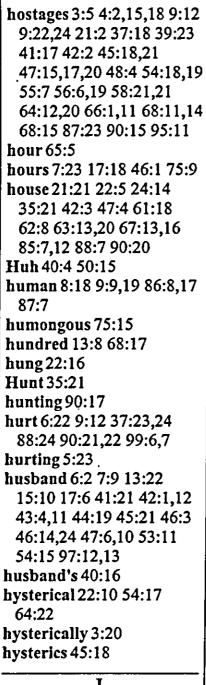
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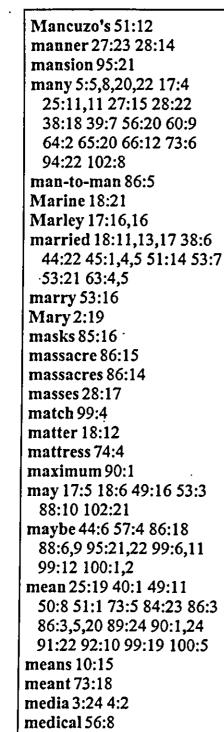
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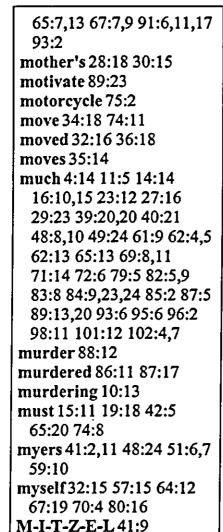
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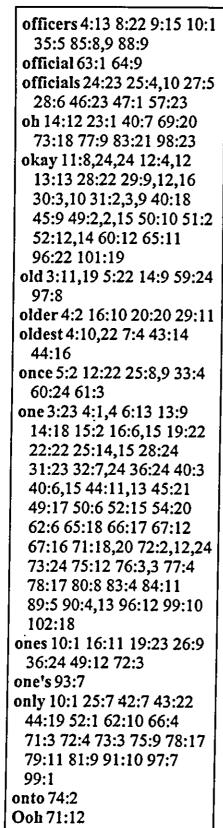
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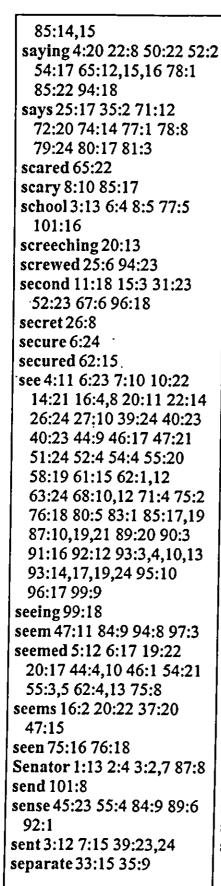
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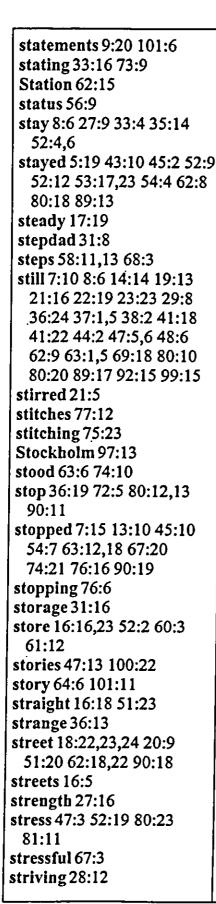
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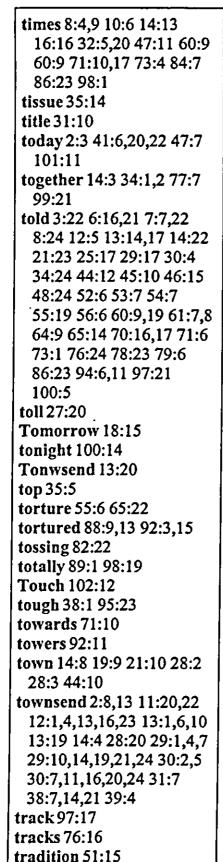
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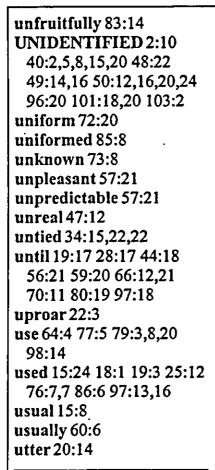


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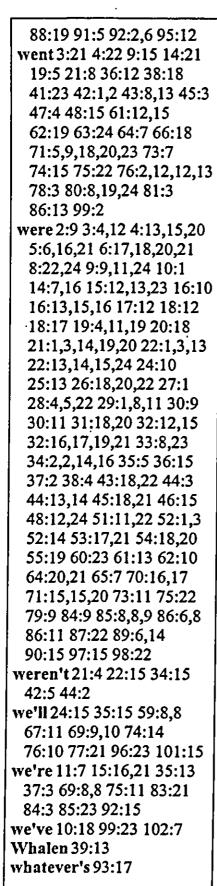
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