PUBLIC HEARING CONDUCTED
BY
GOVERNOR GEORGE E. PATAKI'S
ATTICA TASK FORCE

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

ATTICA TASK FORCE:

GLENN GOORD, Commissioner, Department of
Correctional Services

SENATOR DALE M. VOLKER, Chairman, Codes Committee

ASSEMBLYMEMBER ARTHUR O. EVE, Deputy Speaker

ASSEMBLYMEMBER JEFFRION L. AUBRY, Chairman,
Correction Committee

REPORTED BY: SHAUNA C. CHAMBERS

Midtown Reporting Service
301 James Square Building
Rochester, New York 14613
# INDEX

<table>
<thead>
<tr>
<th>WITNESS</th>
<th>PAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>May 9, 2002</strong></td>
<td></td>
</tr>
<tr>
<td>John Stockholm</td>
<td>5 - 16</td>
</tr>
<tr>
<td>Mary Stockholm</td>
<td>16 - 20</td>
</tr>
<tr>
<td>June Fargo</td>
<td>21 - 26</td>
</tr>
<tr>
<td>Susan Fargo Parmelee</td>
<td>(Written Statement) 27 - 30</td>
</tr>
<tr>
<td>Cindy Fargo Mellen</td>
<td>30 - 36</td>
</tr>
<tr>
<td>Thomas Fargo (Written Statement)</td>
<td>37 - 55</td>
</tr>
<tr>
<td>Dean Wright</td>
<td>56 - 73</td>
</tr>
<tr>
<td>Scott Wright (Written Statement)</td>
<td>73 - 77</td>
</tr>
<tr>
<td>William Cunningham, Esq.</td>
<td>77 - 91</td>
</tr>
<tr>
<td>Eugene Tenney, Esq.</td>
<td>92 - 100</td>
</tr>
<tr>
<td>Dean Wright (continued)</td>
<td>100 - 104</td>
</tr>
<tr>
<td>Marilyn Wright</td>
<td>104 - 110</td>
</tr>
<tr>
<td>Paula Krotz</td>
<td>114 - 136</td>
</tr>
<tr>
<td>Karen Strothmann</td>
<td>136 - 139</td>
</tr>
<tr>
<td><strong>May 10, 2002</strong></td>
<td></td>
</tr>
<tr>
<td>Ann D'arcangelo Driscoll</td>
<td>143 - 152</td>
</tr>
<tr>
<td>Ann Valone</td>
<td>152 - 162</td>
</tr>
<tr>
<td>Ron Kozlowski</td>
<td>163 - 187</td>
</tr>
<tr>
<td>Dr. Gene Richard Abbott</td>
<td>188 - 199</td>
</tr>
<tr>
<td>Donald Almeter</td>
<td>200 - 210</td>
</tr>
</tbody>
</table>

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14614
ATTICA TASK FORCE PUBLIC HEARING

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

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

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

were treated. We do not ask them to document their grievances, only to state them. We will be willing to take each victim and survivor at their word. We will not interrogate the victims or their survivors. We will only ask questions designed to clarify any point we do not understand. This forum is designed to give the victims and survivors their voice. We will set no time limits on anyone's testimony. We anticipate, through agreement with the Forgotten Victims, that each witness will address the five areas of concern to them:

Compensation, counseling, a memorial service, access to records and an apology. Many of the victims will be testifying during these hearings, but some will not. Those who prefer not to present oral testimony are more than welcome to submit written statements to the Task Force. They will be made as much of an official part of our record as the testimony presented before us.

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

Midtown Reporting Service
501 James Square Building
Kitchener, New York 12614
TESTIMONY OF JOHN STOCKHOLM

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

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

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

John and Mary Stockholm, please.

(John and Mary Stockholm addressed the Panel.)

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

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

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

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

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

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

15 And it was the next day, the inmates who put me there came back and said, We are going to cause a commotion because they are looking for, going through the blocks looking for you and another officer, there is two officers missing. And I found out later that through the State giving a head count of what was supposed to be there and what was there, did not come up. They were short two officers. So I was told at that time to, when the commotion started, to come out of the block, or come out of the cell and stagger to the end, and we will try to pick you up and get you to the yard without getting beat. At approximately five to ten minutes later, a
commotion was started. I came out of the cell and I was
amazed because there was another officer on the gally, Officer
Art Smith. I didn't know he was in there in the cell next to
me. He knew I was there, but I didn't know he was there. At
that point, we were blindfolded and taken to the yard.

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

The days leading up to the retaking, everything
TESTIMONY OF JOHN STOCKHOLM

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

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

Midtown Reporting Service
301 Times Square Building
Rochester, New York 14614
TESTIMONY OF JOHN STOCKHOLM

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

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

Midtown Reporting Service
501 James Square Building
Rochester, New York 14614
TESTIMONY OF JOHN STOCKHOLM

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

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

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

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

Midtown Reporting Service
501 Times Square Building
Rochester, New York 12617
TESTIMONY OF JOHN STOCKHOLM

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

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

I was a young man when that happened. I had a
TESTIMONY OF JOHN STOCKHOLM

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

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

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

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

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

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

COMMISSIONER GOORD: Thank you.

JOHN STOCKHOLM: Thank you.

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

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

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

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

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

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

Midtown Reporting Service
501 James Square Building
Rochester, New York 14612
TESTIMONY OF MARY STOCKHOLM

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

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

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

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

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

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

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

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

ASSEMBLYMEMBER AUBRY: No.

DEPUTY SPEAKER EVE: No.

SENATOR VOLKER: No.

COMMISSIONER GOORD: Thank you very, very much.

June Fargo and Cindy Mellen.

Midtown Reporting Service
501 James Square Building
Rochester, New York 14614
TESTIMONY OF JUNE FARGO

(June Fargo and Cindy Mellen addressed the Panel.)

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

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

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

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

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14614
TESTIMONY OF JUNE FARGO

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMISSIONER GOORD: Of course.

JUNE FARGO: Susan lives in Michigan.

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

The following is the testimony of

Midtown Reporting Service
501 James Square Building
Rochester, New York 14614
WRITTEN STATEMENT OF SUSAN FARGO PARMELEE

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

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

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14612
WRITTEN STATEMENT OF SUSAN FARGO PARMELEE

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

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

Obviously, I feel counseling is important.
WRITTEN STATEMENT OF SUSAN FARGO PARMELEE

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

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

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

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

COMMISSIONER GOORD: Thank you.

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

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

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

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

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

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

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

My dad was a big guy, six foot tall, broad
shouldered, a little on the chunky side. He looked the part
TESTIMONY OF CINDY MELLEN

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

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

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

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

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

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

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

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

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

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

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

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

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

(Cindy Mellen reads the written statement of

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14614)
WITTEN STATEMENT OF THOMAS FARGO

Thomas Fargo into the record.)

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

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

My father suggested, and I strongly believe that he is right, that the primary cause of the Attica prison riot was change in backgrounds of the inmates who were sent there. Prior to the mid-'60, the value system of the Attica prison population were similar to that of the prison guards. As my father stated, inmate
old timers generally recognized that they were incarcerated because they had committed a crime, had make a mistake, and were obligated in some way to make amends. This value system was compatible with those of the prison guards, who needed to relate to a company of 40 men under their direct supervision. In the late 1960s, inmates with a new value system started to arrive in large numbers in rural Attica. These inmates were shaped by their poor, underprivileged, inner-city environment; and happened to be, in large part, black and Hispanic. These people were from a world where, if you felt you were entitled to something, you demanded it. If you didn't get it, you protested. If your protests went unheeded, violence and uncivil acts were somehow justified as a means to achieve the gratification you sought. A third world kind of mentality existed among many of the inmates, who felt that if they could steal from you, if they could take your life, it was your fault. When these people arrived at Attica, they continued the protests, insisting that they were political prisoners, fighting an unjust, oppressive system, insisting that society had forced them to throw a
WRITTEN STATEMENT OF THOMAS FARGO

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

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

Midtown Reporting Service
501 Times Square Building
Kohchester, New York 14614
WRITTEN STATEMENT OF THOMAS FARGO

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

It was suggested that the riot started as
spontaneous act. My father stated that others
inside had found evidence indicating it was
pre-planned. Regardless, it was clear the DOC
administration couldn't respond to the warning
signs, that management was not taking the input
from the front line guards, the DOC
administration, both in Albany and Attica, were
inadequately prepared to avoid the massive
insurrection. And Correction Officers in Attica
were prevented from responding deliberately when
the riot broke out. It is my opinion, inherited
in some measure from my father, that the decision
of the Albany DOC administrators to manage the
situation ultimately led to the high riot death
toll.

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

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

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

Mom tried to keep things as normal as
possible around the house over the weekend. The
house was busy with people stopping by to offer
support. Several brought food that was
appreciated. My oldest sister, Cindy, had just entered college and was away in Fredonia. My other sister, Sue, was home. She was in eleventh grade. We were dependant on the news for virtually all information from inside. We listened to the negotiations on both the radio and TV. Occasionally, we could here audible shouting over the prison walls. We worried a lot.

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

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

**Midtown Reporting Service**
**501 James Square Building**
**Rochester, New York 14612**
father sleeping on the wet ground, and how
uncomfortable he must have been.

Monday, September 13th, started cold and
wet. My sister Sue and I went to school, since
there wasn't any other better place to be. The
Board of Education apparently did not have the
latitude to cancel school. I think one of my
first classes that day was shop class. I
remember being in the wood shop or the cafeteria,
both had doorways that opened on the parking
area. Army helicopters repeatedly flew circles
over the school. The noise of the helicopters
was amplified within the small courtyard. We all
knew that the retaking operation was imminent.
The theory as to why the helicopters continued to
fly over the school was because they were too
heavy to hover. They were supposedly filled with
water to drop on any fires in D yard. The sound
of the helicopters was unnerving. My father
suffered from post-traumatic flashbacks for years
whenever an Army Reserve UH-1 would fly over our
house. I can't remember hearing any gunshots
from school. I went to seventh grade English
class later in the morning. My English class was
held in a classroom that looked out on Route 238,
the highway leading to the back entrance of the
prison. About halfway through class, a motorcade
of ambulances, both Army Jeeps and civilian
ambulances of all descriptions, started to pass
the window on the way to the hospital in Batavia.
I was surprised to see the windows of the
ambulances were taped up with white medical
adhesive tape. I didn't know why. One thought
was that they were taped as a means to reinforce
them from breakage. I know now that the tape was
likely applied to obscure the view of prying eyes
of onlookers and news cameras. Was the cover up
started even before the DOC completed the
retaking?

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

school who were not as fortunate as me.

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

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

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

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14612
WRITTEN STATEMENT OF THOMAS FARGO

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

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

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

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

I recall that we traveled as a family to
Florida for the Easter holiday. I think it was
1972. In Tennessee, someone noticed that our car
was purchased from the Attica Garage. I think
that particular individual expressed his support
for my father having survived his ordeal. Many
Attica residents removed the auto dealer tags
from their cars so that no one would know where
they lived. At that time license plates were
available with ATT designation. Some Attica
residents changed their plate numbers, some
proudly kept them. I recall that my neighbor,
Glen Sattler, who owned half interest in the
Attica Lumber Company, felt compelled to cover up
the signs on the side of his delivery trucks when
traveling to certain areas. I recall the story
of an incident where the pilot of a commercial
airliner dipped the wing of the plane and pointed
out infamous Attica to passengers when they passed over my hometown. This incident was reportedly observed by a young female passenger who happened to be from Attica and who became emotionally upset as a result of the pilot's insensitivity. I remember traveling with my father and mother to the Statler Building in downtown Buffalo to meet with an attorney, Mr. Tenney, I think. I remember that the results of that meetings were not positive.

In 1975, the high school band director, Genevieve Smith, decided to apply to the Disney Corporation to have the band play as part of the bicentennial celebration at Disney World. She sent an application and audition tape. We, the band, were accepted. The school board said that we could go. And the Attica community mobilized to raise funds to send us and the color guard to Disney World in February 1976. It was clear from the outset that the Attica High School band were being sent as ambassadors for the community. The aftermath of the riot was still plaguing the community. We went to Florida with admonitions that we were representing the good in the Attica community. I feel that we successfully
accomplished the goal of positively representing Attica in an event of marginal national significance. I know that my classmates who were involved with interscholastic sports also felt an obligation to always represent the Attica community with a positive light.

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

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

At this time I don't feel that I need
psychological counseling to deal with the after
effects of the riot. I regret that I cannot be
actively involved with the Forgotten Victims
group because I am now living in New Hampshire.
I think that if the group accomplishes nothing
more than uniting those who have suffered, then
this endeavor was worth the effort. I am
thankful that I have had this opportunity to
share my testimony, presented herein.

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

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

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

Midtown Reporting Service
501 James Square Building
Rochester, New York 14613
open letter to the New York State Legislature
regarding the group's desire to open the official
records and provide fair compensation for
individuals who have suffered greatly as a result
of this tragedy.

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

My father, Richard Fargo, is no longer
alive. Although he physically survived his
WRITTEN STATEMENT OF THOMAS FARGO

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

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

to trust over many years of service.
Richard Fargo's clear sense of right over wrong
was severely damaged by the events that followed
the Attica prison riot.

I applaud your efforts to correct the
injustices endured by the former hostages of the
Attica prison riot and their families. And I
hope that my feelings, represented above, will
find their way into the official record of the
State of New York regarding this matter.
Sincerely, Thomas Richard Fargo. Thank you.

COMMISSIONER GOORD: Thank you, Miss Mellen.

Does anybody have any questions?

SENATOR VOLKER: No, thank you.

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

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

* * *

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

Mr. Dean Wright and Marilyn Wright.
TESTIMONY OF DEAN WRIGHT

(Dean and Marilyn Wright addressed the Panel.)

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

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

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

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

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

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

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

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

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

Midtown Reporting Service
301 Times Square Building
Rochester, New York 14614
TESTIMONY OF DEAN WRIGHT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 go and go through all this when they don't believe you? They
2 try to put words in your mouth that he was where he wasn't or
3 he was doing something that you didn't see him do. And I
4 probably got, probably, very hostile because I had a bad
5 temper because I didn't like being made a fool of, and that's
6 what it felt like.
7
8 After I got home from the hospital, I drank
9 more than I should have, I smoked more than I should have, and
10 we all drank more than we should have. And it didn't help.
11 You didn't sleep good. I mean, you would go to sleep and, all
12 of a sudden, you would wake right up and you were reliving
13 things that you didn't want to relive. I was on tranquilizers
14 for quite a while from the doctor because, for whatever
15 reason, I'd go along and I'd get the shakes. Just out of the
16 clear blue sky, I'd get the shakes. And I don't know why.
17 Eventually, they gone away. But I still get nervous. I get
18 withdrawn. I get on emotional roller coasters just like. And
19 it bothers me, because I don't know why I do these things.
20 The riot was never, ever brought up or discussed in my house.
21 I never talked of it with Marilyn, I never discussed it with
22 my sons, which I had four small boys at home, the oldest one
23 was nine. I never talked to them about it. I knew how I
24 felt, and I didn't want them to feel that way.
25
26 I thought very seriously of not going back to
27 work for the Department of Correction. But in our area there
TESTIMONY OF DEAN WRIGHT

is not a lot of jobs. The prison is the biggest employer.

And I didn't know what to do. I set down one day with my
father and I told him, I said, I don't want to go back. And
he told me, bull-headed Irish man that he was, that I was to
do what I thought was right, but if I could, he felt I should
go back at least for a short period of time, he said, just to
prove to yourself that you could. He says, If you don't, you
will never really know whether the inmates beat you or not.

So I went back. I went back on a different job, but I went
back. I retired from the prison in 1998, I had almost 31
years in. After I went back to work, I was told, get over it,
don't talk about it. I went on, me, like all the rest of us,
we didn't, I mean, we worked, some of us that were hostages,
worked together for years. I mean, we talked about a lot of
things, but the riot was never one of them, and our feelings
were never one of them, and our problems were never one of
them.

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

Midtown Reporting Service
501 James Square Building
Rochester, New York 14614
TESTIMONY OF DEAN WRIGHT

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

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

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

COMMISSIONER GOORD: Yes.

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

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

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

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14612
TESTIMONY OF DEAN WRIGHT

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

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

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

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

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

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

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

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

It was the next day when we were told about the riot. I'm not sure I understood what it meant, but I did know it was causing my brothers and I not to see our father. And we were staying with friends and relatives while my mother was living a nightmare. I remember seeing a photograph on the front page of the paper, it
was the third or fourth day of the riot. In that photo stood my father, a hostage. It was the first time that we knew he was alive, at least at that moment the picture was taken. I remember someone coming and getting me at the Mrs. Stamps fourth grade class to let us know that everything was going to be all right, at least for us. The hostages that lived and the families that were widowed would not be so lucky. They would have to live with this the rest of their lives.

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

As bad as it sounds, it cannot touch what my father, along with the other living hostages and widows' families have endured. The former...
hostages have nightmares and relive these events over and over and over again. The families of the hostages who lost their lives in the riot had to endure that loss for over all these years. For ones who lived, the nightmare would not die; and for the ones that died, will live forever in a nightmare.

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

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

I cannot speak to the activities that happened inside the walls of Attica in 1971, but I know my father can, vividly. He lives it every
WRITTEN STATEMENT OF SCOTT WRIGHT

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

COMMISSIONER GOORD: Thank you very much.

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

(Whereupon there was a recess in the proceeding.)

* * *

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

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

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

COMMISSIONER GOORD: No.

SENATOR VOLKER: No.

WILLIAM CUNNINGHAM, ESQ.: With all due respect, I'd rather stand. And I learned yesterday afternoon at a late date the guidelines you wanted to follow, which are reasonable, and I can do it; namely, the five points that you
feel are important. And I am certainly not going to retry the
Attica case. And I see people here who know more about it
than I do, maybe all of you.

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

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

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

DEPUTY SPEAKER EVE: No, no.

SENATOR VOLKER: No, no.

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

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

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

Midtown Reporting Service
501 James Square Building
Rochester, New York 14612
TESTIMONY OF WILLIAM CUNNINGHAM, ESQ.

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

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

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

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

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

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

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

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

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

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

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

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

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

And somebody has to explain this to me. And I
TESTIMONY OF WILLIAM CUNNINGHAM, ESQ.

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

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

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

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

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

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

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

WILLIAM CUNNINGHAM, ESQ.: You are kind and I thank you.
TESTIMONY OF WILLIAM CUNNINGHAM, ESQ.

SENATOR VOLKER: I mean that.

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

SENATOR VOLKER: I know you did.

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

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

WILLIAM CUNNINGHAM, ESQ.: Excessive force.

SENATOR VOLKER: The problem is whether it was intentional against these people. The only judge that ever
TESTIMONY OF WILLIAM CUNNINGHAM, ESQ.

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

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

SENATOR VOLKER: Plus me.

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

should.

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

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

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

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

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

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

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

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

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

COMMISSIONER GOORD: Thank you, Mr. Cunningham.

Mr. Tenney?

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

Milliron Reporting Service
501 James Square Building
Rochester, New York 14614
TESTIMONY OF EUGENE TENNEY, ESQ.

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

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

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

out both times. I was in the Appellate Division four times. I was there, I am the one that handled it. I wrote the brief. I argued the cases. And I know what happened probably as much as anybody, about what happened at Attica on September 13th of 1971. And you might think, well, I am a little incensed at this time. But maybe I have waited 30 years too, although in the court room I did this a few times too, I must admit. But it was very difficult for me to, as a lawyer, to have judges, esteemed judges who I respected previously, find that these people, these people elected a remedy, as their husbands lied in hospitals, as they lied in morgues, they elected a remedy, an intentional decision to take Workers Compensation as opposed to going ahead with an act of intentional, which the Court of Appeals initially found was the reason that the case could begin, and that was Mr. Cunningham's case. Mrs. Jones didn't take that compensation check. She had a baby. My clients had five, six, seven children, with a lousy workers Compensation check of, I think in some cases, 85 or $90. And as a result of taking that one check, one, $90 -- Mr. Cunningham was referring to some kind of a luncheon pay, well, this was Workers Compensation -- as a result of taking that, these people, it cost them and their families millions and millions and millions of dollars. And the State Insurance fund knew, Senator, exactly what they were doing when they walked into the rooms of those people who had lost loved ones.
and where was the next meal coming from for their children.
And they didn't know whether their husbands were going to be
alive or dead. But the State Insurance Fund -- and as I say,
Senator, in all due respect to you, I have this under oath.
And anytime anybody would want to see this, I'd be very, very
happy to show it to them. So you heard Mr. Cunningham say to
you that these seven of thirteen judges disagreed. These
great, brilliant minds, they disagreed, whether or not the
people in the little village of Attica elected their remedy to
take Workers Compensation instead of proceeding against the
State for the use of excessive force. Ladies and gentlemen,
they could have never made that decision if they had been one
of the greatest judges in the history of mankind. Do you know
why? Because the Court of Appeals in this State had not
decided until four or five years later that, as a result of
the use of excessive force, you could bring an action. How
could these people in the village of Attica, in the physical
condition that they found their spouses in after the retaking
of this prison, they all of a sudden were the giants and the
intelligentsia of the world, not the State of New York but of
the world, and decided that were going to proceed with $85
instead of millions of dollars? And I know whereof I speak, I
am a negligence lawyer. As Senator Volker knows, I have been
practicing law for 47 years. And when I met with those widows
and those people in the little village of Attica in December
TESTIMONY OF EUGENE TENNEY, ESQ.

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

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

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

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

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14613
TESTIMONY OF EUGENE TENNEY, ESQ.

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

It. It was absolutely horrendous.

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

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

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

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

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

SENATOR VOLKER: I would really like to see that. I don't think that's something we were really aware of. I knew that, we knew about the check that Bill Cunningham was talking about. But we weren't aware about that.
TESTIMONY OF EUGENE TENNEY, ESQ.

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

SENATOR VOLKER: Oh, sure.

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

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

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

EUGENE TENNEY, ESQ.: I sure will.

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

EUGENE TENNEY, ESQ.: I know exactly.

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

EUGENE TENNEY, ESQ.: Right, absolutely.

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

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

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

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

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

SENATOR VOLKER: Thank you.

COMMISSIONER GOORD: Marilyn Wright.

(Dean Wright and Marilyn Wright address the Panel.)

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

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

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

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

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

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

DEAN WRIGHT: I didn't use that term.

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

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

Midtown Reporting Service
501 Times Square Building
Rochester, New York 13614
TESTIMONY OF DEAN WRIGHT

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

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

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

DEPUTY SPEAKER EVE: Was it minutes, hours?

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

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

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

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

SENATOR VOLKER: Sleeping time.

DEPUTY SPEAKER EVE: -- as hostages?

DEAN WRIGHT: No.

DEPUTY SPEAKER EVE: For the whole day?

DEAN WRIGHT: No.

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

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

DEPUTY SPEAKER EVE: And that was it?

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

1 all the time when I was in there. I got paid eight hours
2 straight time every day and eight hours time and-a-half every
day.
3
4 And I am probably not wording everything as
5 good as the last two gentlemen.
6
7 SENATOR VOLKER: Do you know the superintendent
8 went to lunch while the riot was going on?
9
10 DEAN WRIGHT: From where I was, I would have
11 went to lunch with him.
12
13 SENATOR VOLKER: That's my point.
14
15 DEAN WRIGHT: There was something else I was
16 going to say, but I forgot what it was.
17
18 DEPUTY SPEAKER EVE: Thank you. Okay, thanks.
19
20 COMMISSIONER GOORD: Marilyn, I'm sorry.
21
22 MARILYN WRIGHT: My name is Marilyn Wright,
23 W-R-I-G-H-T. I'm wife of Dean Wright, hostage. We live in
24 Alexander, New York. Dean was a hostage from September 9th to
25 September 13th, 1971. And he's worked at Attica for almost 30
26 years.
27
28 DEAN WRIGHT: Thirty-one.
29
30 The first -- almost 31 -- the first I knew of
31 the riot was I had signed up for bowling league, first time in
32 my life, because I just got my four young boys off to school.
33 Bowling league was in Attica. I bowled with a lot of women
34 who had their husbands working at Attica Prison, working up

Midtown Reporting Service
501 James Square Building
Rochester, New York 14613
TESTIMONY OF MARILYN WRIGHT

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

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

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

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

got another call from the Werners saying Ronnie was dead.

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

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

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

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14614
TESTIMONY OF MARILYN WRIGHT

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

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

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

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

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

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

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

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

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

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

Midtown Reporting Service
301 Times Square Building
Rochester, New York 14614
TESTIMONY OF MARILYN WRIGHT

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

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

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

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

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

COMMISSIONER GOORD: Thank you, Mrs. Wright.

You did a great job.

DEPUTY SPEAKER EVE: Can I just say something?

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

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

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

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14614
ATTICA TASK FORCE PUBLIC HEARING

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

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

But Big Black would like to come and testify.

He is not an enemy. He is not an enemy. He is not an enemy.
But because he was singled out, I believe, so dastardly,
because why he was awarded the amount of award that he was
received, because of the kinds of treatment he received. I
just want to say that for the record, for the record.
ATTICA TASK FORCE PUBLIC HEARING

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

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

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

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

DEPUTY SPEAKER EVE: I'm sure it is.

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

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

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

(Whereupon there was a pause in the proceeding.)

COMMISSIONER GOORD: Paula Krotz, please.

(Paula Krotz addressed the Panel.)

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

My husband received a phone call early on the
TESTIMONY OF PAULA KROTZ

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

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

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

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

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

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

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

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

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

It was wait, all right. Finally, somewheres
around 11:30, Reverend Ranier, a prison chaplain, called and
said that for all purposes, I should consider Paul a hostage.
That was my first and only contact from inside the prison.

Back to the prison I went. Lots of people milling about,
going in, coming out. But no time did anyone give us any kind
of notice or attention. We might as well have been invisible.
The only prison person who spoke to us during all those days
was Father Marcinkevich. For a time, he actually was allowed
in the hostage area. But then he, too, decided it was, he
could no longer do that, it was a little dangerous. He tried
to talk and comfort us, but first he'd have to ask the media
to leave us alone, as they would crowd right around us.

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

(Karen Strothmann joins Paula Krotz before the Panel.)

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

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

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

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

People had gone house to house in the village
for sandwiches. My mom and sister-in-law made many. I don't
TESTIMONY OF PAULA KROZ

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

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

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

I hurried to the prison. My brother appeared,
seemingly out of nowhere. Gas was put down. I was in
TESTIMONY OF PAULA KROTZ

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

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

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

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

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

way without paying, thereby denying us our right to sue?
Somebody had to get to them in one heck of a hurry. We rode
home, my brother, two sisters-in-law, Paul and me in the car.
We told Paul, never was he going to go back there again to
work. He said he didn't hold any animosity toward the
inmates. They, too, had a story that needed to be heard.

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

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

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

From a person who enjoyed meeting and being
with people, as attested by the fact that he made a good
living for 18 years selling automobiles in a little town, he
could easily have become a hermit or a recluse. We were used
to having a houseful, especially on weekends. And he would
now say, Let's just stay home by ourselves, or just invite
your mother and father or my parents, leave out the others.
Sometimes I would think I was living in a monastery.
Neighbors or friends would come in to play cards and, in no
time, he'd give me the high sign to put on the coffee pot. In
other words, hurry them on their way. After a few times of
hearing him say, way too early, It's nice you could come,
which was really his way of saying, Go, I stopped having
people over. It was embarrassing for me, made me too uneasy.

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

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

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

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

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

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

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

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

    Going back to that meeting at the Presbyterian Church. I took the phone call saying there was to be a meeting of all hostages and so forth, with Commissioner Oswald. I was told to keep this information quiet, as they were fearful that there would be attempts on Oswald's life from various city factions, especially New York City blacks.

    I recall Oswald so clearly at this meeting, which was crowded. The men were told they had six months excused time, and they did not have to report to work. Everything would go on just as though they were there. And indeed, the paychecks were identical to the ones they received before the riot. Paul, to my recollection, never went after one. His sister, who worked at the parole office, would bring it to him. There was nothing on the checks saying Compensation.

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

1 Compensation. Did he sign up for or apply for Workman's
2 Compensation? He said, no, of course not.
3
4 Back to that church meeting. I remember
5 Allen Mills being there. At that time he was working in
6 Albany. I remembered an earlier time when he brought one of
7 his children to me in school and explained the child was
8 unhappy at the parochial school and was not doing well, and
9 how he would really appreciate my doing all I could for his
10 child; and indeed, I did. Years later, it was with dismay
11 that I discovered he had let the Attica people down, myself
12 included. As the Indians would say, he spoke with a forked
13 tongue. He attended WISCE meetings to be sure he kept up on
14 what the women were doing. Now, WISCE was an acronym for
15 Women in Support of Correctional Employees. This was a group
16 that felt they could make for safer working conditions at the
17 prison.

18 Never were we told that accepting a regular
19 paycheck would bar us from suing the State. I was working.
20 We could have gotten along on my paycheck if we had to. We
21 had a mortgage, but outside of that, no other big debts.
22
23 Paul had always been an affable person. I'm
24 sure many remember him for his smile, and that too began to
25 change. At times, it seemed like you had to walk on eggs
around him. So many times it was damned if you do and damned
if you don't. He was often short with the kids. I had always
TESTIMONY OF PAULA KROTZ

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

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

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

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

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

How could a man who dutifully went to work and
did his job be rewarded with 4,000 rounds of live ammunition?
Doesn't the employer take on the persona of parent or
guardian? Were the actions of September 9th to 13th, and the
ensuing 30 years, the actions of a parent or guardian? No.

An arrogant, unfeeling State continued to be scornful towards
us. My husband, now deceased of a heart attack, is buried
within sight of the prison, only because our son was already
buried there. Otherwise, he would not have been buried there.

Both of them have gone to their graves without Attica being
resolved. And I sincerely hope I don't make it three.

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

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

2. Our kids would ask, How is dad? Others would say, How's Paul? Could you really answer that question?

3. Years later, my son always felt very uncomfortable near Bev Lewis, a co-worker, and her children. I finally pinned him down and said why. And he said, Because my father lived and theirs didn't. My boys earned high school sports jackets with Attica across the back. The only place they wore them was in Attica. You wouldn't dream of going to a city mall wearing a jacket that said Attica. When people asked where we were from, the answer was often Buffalo or Batavia. People did not associate Attica with a friendly village and town. To outsiders, Attica meant the prison and all the injustice it stood for during the '70s and since.

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

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

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

our justice.

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

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

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

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14611
TESTIMONY OF PAULA KROTZ

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Midtown Reporting Service
501 James Square Building
Rochester, New York 14612
ATTICA TASK FORCE PUBLIC HEARING

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

COMMISSIONER GOORD: Thank you very much.

Anybody have any questions?

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

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

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

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

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

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

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

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

*   *   *

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14614