ATTICA TASK FORCE PUBLIC HEARING

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

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

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

(Ann Driscoll addressed the Panel.)

ASSEMBLYMEMBER AUBRY: Good morning, again.

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

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

Midlina Reporting Service
501 James Square Building
Rochester, New York 14614
TESTIMONY OF ANN DRISCOLL

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

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

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

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

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

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

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

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

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

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14614
TESTIMONY OF ANN DRISCOLL

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

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

The months and years following Attica were
filled with sadness, confusion and insecurity for me. The
Worker's Compensation benefits were a nightmare. I got a job,
TESTIMONY OF ANN DRISCOLL

1 went back to school and became a registered nurse. A career
2 choice, a counselor would later tell me, was one of a helping
3 profession, to fulfill an intrinsic need to save people, as I
4 could not save the most important person to me.
5
6 In the early '80s I read that one Attica widow
7 named Jones sued New York State and was awarded $1.62 million.
8 I can never understand how the State could possibly say that
9 one man's life was worth over one million dollars, and John's
10 life was worth $36 a week. As the years passed, so did my
11 faith in New York. Governor Carey had sealed the records of
12 Attica and, with it, threw away my right to know the truth
13 about my husband's death.
14
15 When my daughter seven years old, she came home
16 from school in tears because two men from the Workman's
17 Compensation Board had gone to her school and questioned her
18 about her identify, a routine measure to assure that I was not
19 frauding the State for that $36. Due to this disruption of
20 her class, her teacher explained to the class that Julie's dad
21 had been killed in the Attica riot. Some children in her
22 class then told her her father was a bad person, only bad men
23 die in prison. She begged me to change her name.
24
25 For years, I became nauseated when I drove by a
26 prison. Quite a difficult task when you live in Auburn,
27 New York, and the prison is in the center of your city. In
28 1989, I decided I had to face my fears and prove to myself
TESTIMONY OF ANN DRISCOLL

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

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

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

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14614
TESTIMONY OF ANN DRISCOLL

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

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

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

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

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

Judge Morritt says: May I ask your establishment who they are soliciting funds for?

Will the money be spent for the Attica guard that
your clients murdered before their negotiations started? For the families of the ten murdered guards? For the medical bills for the injuries sustained by the surviving civil servants who were kidnapped by your clients when starting the riot? For the victims on the street of the convicted murderers, burglars and other assorted felons housing at Attica in 1971? It seems to me, Judge Morritt continues, that the silent tears of the real victims cannot be heard over the roar of the Attica rioters. When you collect funds of the real victims of Attica, please, don't hesitate to call me.

Thank you.

COMMISSIONER GOORD: Thank you very much.

Ann Valone, please.

(Ann Valone addressed the Panel.)

ANN VALONE: Morning.

COMMISSIONER GOORD: Good morning.

ASSEMBLYMEMBER AUBRY: Morning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14612
TESTIMONY OF ANN VALONE

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

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

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

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

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

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

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

Midtown Reporting Service
301 James Square Building
Rochester, New York 14614
TESTIMONY OF ANN VALONE

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

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

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

Midtown Reporting Service
501 James Square Building
Rochester, New York 14614
TESTIMONY OF ANN VALONE

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

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

COMMISSIONER GOORD: Thank you. Let's take a
ten minute break.
TESTIMONY OF RON KOZLOWSKI

(Whereupon there was a brief recess.)

COMMISSIONER GOORD: Mr. Ron Kozlowski, please?

(Ron Kozlowski addressed the Panel.)

RON KOZLOWSKI: I wasn't here this morning.

You know, accreditation. I had to work this morning.

COMMISSIONER GOORD: Well, thank you for that.

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

DEPUTY SPEAKER EVE: Can you spell the last name?


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

I started back to work. I got out of the service, I was in Vietnam. I had just got back from Vietnam a few months before I got out of the service. I got out of the service July 28th of '71. And I started back to work in Attica February 1st of '71. And naturally, when I went back
TESTIMONY OF RON KOZLOWSKI

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

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

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

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

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

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

We were working for, I don't know, an hour or
so maybe, before the whistle started blowing at the power
house. At that time, I had only been back to work -- I had
only worked six months before I went in the service and I had
only been there eight months since I got back from Vietnam.

At that time, they didn't have much of the training and
TESTIMONY OF RON KOZLOWSKI

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

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

1 using it to lead me around.

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

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

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

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

the way down D block, they took us out a door, into D yard.

Once we were in D yard, there was already a lot of other
inmates out there, running around in sort of a confused
manner. This was outside and confined area where the inmates
go do exercise in a recreational area. I noticed that the
iron gate normally that was locked was broken down or unlocked
from the keys from the officers. A total of six gates used to
be in that path from the office to where we went.

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

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

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

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

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

Mailtown Reporting Service
501 Times Square Building
Rochester, New York 14614
TESTIMONY OF RON KOZLOWSKI

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

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

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

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

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

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14612
nothing happened. We were really looking forward to getting out of there in one piece. So far, from the morning of September 9th to the evening of September 12th, a total of approximately four days, the inmates had done nothing except talk with the negotiating team and some of the people they wanted brought in for the talks. Digging in, making more weapons to use against any personnel coming in, retaking the prison.

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

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

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

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

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

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

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

Again, the helicopters circled and left. Again, I was used a human shield. A helicopter came in again. This caused a lot of panic and a lot of movement and a lot of yelling from the inmates, every time the helicopter was coming in. Evidently, the helicopter started dropping the gas. Because just as I started noticing the smell of gas, I was grabbed, whipped around, with a knife or whatever at my throat. The inmate crouched down behind he. The way he was crouched down, I could feel the nose, you could probably only see about this much of his face. (Gesturing.) At that point, I felt his hand hit my throat. And the sounds of gunshots commenced. It was very, very intense, it was like rain. I fell to the floor, the roof of the tunnel that I was standing
on. And you could hear fire, you could feel the cement chips hitting you in the face as they were ricocheting off all that concrete. It was pretty intense up there. The inmate wasn't holding me anymore, so I dropped to the floor, curled up in a ball and laid still. The bullets were coming like rain, still feeling the cement chips hitting my face, and sounds of different types of guns, shotguns, maybe rifles or pistols. And I was scared to death.

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

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

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

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

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

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14614
across the shoulder blade.

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

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

And with my two sons, every time, if I went
down to the store for bread, if I went to the bank, they were
TESTIMONY OF RON KOZLOWSKI

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

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

Midtown Reporting Service
501 James Square Building
Rochester, New York 14612
TESTIMONY OF RON KOZLOWSKI

1 should have.

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

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

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

MEMBER OF AUDIENCE: There is insurance.

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

COMMISSIONER GOORD: Thank you very much.

Midtown Reporting Service
301 Jonas Square Building
Rochester, New York 14614
TESTIMONY OF RON KOZLOWSKI

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

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

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

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

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

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

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

RON KOZLOWSKI: No, no.

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

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

DEPUTY SPEAKER EVE: Okay.
TESTIMONY OF RON KOZLOWSKI

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

DEPUTY SPEAKER EVE: As far as the inmates?

RON KOZLOWSKI: Yeah.

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

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

I got another question. You mentioned the
TESTIMONY OF RON KOZLOWSKI

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

2 RON KOZLOWSKI: Especially here lately.

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

4 RON KOZLOWSKI: Yeah.

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

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

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

Midtown Reporting Service
501 James Square Building
Rochester, New York 14614
TESTIMONY OF RON KOZLOWSKI

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

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

RON KOZLOWSKI: I have no idea.

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

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

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

RON KOZLOWSKI: No, they were after.

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

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

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

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

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

(Whereupon there was a recess in the proceeding.)
TESTIMONY OF DR. GENE RICHARD ABBOTT

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

(Dr. Gene Richard Abbott addressed the Panel.)

COMMISSIONER GOORD: Good afternoon,

Dr. Abbott.

DR. GENE RICHARD ABBOTT: Good afternoon.

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

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

We had heard the rumors to the effect that the hostages had had their throats cut, and that some had been castrated. These allegations were untrue. All of the hostages, and many of the prisoners, died of gunshots wounds. The only exception to that were the prisoners killed by other prisoners. I think the basis for the thinking that the
TESTIMONY OF DR. GENE RICHARD ABBOTT

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

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

SENATOR VOLKER: Excuse me. You mean correction officer?

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

one of his colleagues. Any questions?

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

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

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

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

DEPUTY SPEAKER EVE: The .270.

DR. GENE RICHARD ABBOTT: Yes.

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

DR. GENE RICHARD ABBOTT: It expands.
TESTIMONY OF DR. GENE RICHARD ABBOTT

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

DR. GENE RICHARD ABBOTT: Much larger entrance wound.

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

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

DEPUTY SPEAKER EVE: Who did the others?

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

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

SENATOR VOLKER: No.

DR. GENE RICHARD ABBOTT: No.

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

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

DEPUTY SPEAKER EVE: Oh, he's dead.
TESTIMONY OF DR. GENE RICHARD ABBOTT

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

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

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

DR. GENE RICHARD ABBOTT: No.

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

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

inconsequential wounds the back of the head.

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

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

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

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

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

DR. GENE RICHARD ABBOTT: Yes.

MEMBER OF AUDIENCE: You don't know that.

DEPUTY SPEAKER EVE: Let me --

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

DEPUTY SPEAKER EVE: So the state police are
the only ones who actually have pictures to show of the
bodies?
TESTIMONY OF DR. GENE RICHARD ABBOTT

DR. GENE RICHARD ABBOTT: That is correct.

DEPUTY SPEAKER EVE: The cuts, the bullet holes?

DR. GENE RICHARD ABBOTT: Yes.

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

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

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

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

DEPUTY SPEAKER EVE: Get the information out.

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

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

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

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

DEPUTY SPEAKER EVE: The 14th?

DR. GENE RICHARD ABBOTT: Yes.

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

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

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

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

DEPUTY SPEAKER EVE: Gunshot wounds. Now, we
have heard a number of people say -- well, not a number, but
one or two people here -- that the people were shot in the
back. What percentage of the correction officers were shot in
TESTIMONY OF DR. GENE RICHARD ABBOTT

the back?

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

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

DR. GENE RICHARD ABBOTT: Yes.

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

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

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

DR. GENE RICHARD ABBOTT: Yes.

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

DR. GENE RICHARD ABBOTT: Yes.

SENATOR VOLKER: May I stop right there? You
TESTIMONY OF DR. GENE RICHARD ABBOTT

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

DR. GENE RICHARD ABBOTT: Oh, I'm sure it was

an accident.

SENATOR VOLKER: That's my point. I just

wanted to make that point.

DEPUTY SPEAKER EVE: Oh, okay.

SENATOR VOLKER: Number two, can I just say

something about the knife wounds? We have known for a long
time -- in fact, I talked to that doctor, by the way, who

really had a rough time. The doctor from Wyoming.

DR. GENE RICHARD ABBOTT: Jack.

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

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14613
TESTIMONY OF DR. GENE RICHARD ABBOTT

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

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

DR. GENE RICHARD ABBOTT: Yes.

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

DR. GENE RICHARD ABBOTT: Yes.

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

DR. GENE RICHARD ABBOTT: That is correct.

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

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

DEPUTY SPEAKER EVE: Where?

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

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

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

COMMISSIONER GOORD: Are they considered public information?

DR. GENE RICHARD ABBOTT: Yes.

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

DR. GENE RICHARD ABBOTT: Yes.

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

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

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

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

COMMISSIONER GOORD: Any other questions?

Thank you very much for coming.

DR. GENE RICHARD ABBOTT: You're welcome.

COMMISSIONER GOORD: Now, I have agreed, or the Committee has agreed to have a meeting with the Forgotten Victims, closed meeting with the Forgotten Victims after this meeting. I guess I do have a number of people, how long is
TESTIMONY OF DONALD ALMETER

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

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

COMMISSIONER GOORD: So we have time for --
GARY HORTON, ESQ.: We do have Donald Almeter
here, he's here from Florida. He's told me his testimony is
very brief, if we could do him.

COMMISSIONER GOORD: Mr. Almeter.

(Donald Almeter addressed the Panel.)

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

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

We all went to our assignments. Things started
out normal. I went to B block. First breakfast ran, then
TESTIMONY OF DONALD ALMETER

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

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

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

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

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

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

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

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

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

Midtown Reporting Service
501 James Square Building
Rochester, New York 14612
TESTIMONY OF DONALD ALMETER

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

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

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

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

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

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

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

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

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

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

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

MEMBER OF AUDIENCE: Come on back.

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

COMMISSIONER GOORD: Thank you, Mr. Almeter.

Anybody have any questions?

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

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

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

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

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

DEPUTY SPEAKER EVE: Just a lot of mass shots?

DONALD ALMETER: As I recall.

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

COMMISSIONER GOORD: Thank you, sir.

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

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

*       *       *

Midtown Reporting Service
301 Times Square Building
Rochester, New York 14614
STENOGRAPHER'S CERTIFICATION

I, SHAUNA C. CHAMBERS, being a Shorthand Reporter in the County of Monroe, State of New York, do hereby certify that I reported in Stenotype Shorthand the Public Hearing Conducted by the Attica Task Force, held on May 9 and 10, 2002; and that the foregoing pages number 1 through 210 were prepared under my direction and control, and constitute a true, accurate and correct record of those Stenotype notes.

I further certify that I am neither attorney or counsel for any of the parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the outcome of the action.

SHAUNA C. CHAMBERS

DATED at Rochester, New York
this 28 day of May 2002.