

Former hostage optimistic about release of Attica Prison Riot records

By Paul Mrozek pmrozek@batavianews.com | Posted: Tuesday, October 29, 2013 12:19 am

WARSAW — A hostage who survived the 1971 Attica Prison Riot said Monday he's hopeful that all of the records from the uprising will be made public in the near future, because of a filing made Friday in Wyoming County Court by New York State Attorney General Eric Schneiderman.

"I'm optimistic about the release of all the information. I'm excited that someone has taken this political step," said Michael Smith of Bliss.

Schneiderman asked the court, which also functions as State Supreme Court, to release sealed documents about the 1971 riot and retaking of the prison. The rebellion was the nation's bloodiest prison riot — it left 43 people dead" — and there are many questions about the event that remain unanswered.

According to the Wyoming County Court Clerk's Office, the case has not yet been assigned to a judge. The Hon. Mark H. Dadd is retiring at the end of the year; the other judge is Hon. Michael F. Griffith.

Schneiderman wants Wyoming County Court to open hundreds of detailed pages about investigations into the five September days during which inmates took control of the maximum-security prison. State troopers and guards stormed the facility D Yard Sept. 13, 1971, and fatally shot 29 inmates and 10 hostages.

Smith was a 22-year-old prison guard when inmates took him hostage on Sept. 9, 1971. He was hit by gunfire five times when authorities retook the facility.

Smith is also a member of the Forgotten Victims of Attica, an organization that represents former hostages, slain hostages and their families. The FVOA hopes to gain access to all state records on Attica and get an official apology from the state.

Members of the FVOA met last year with officials from Schneiderman's office.

"They indicated they were going to look into this. Hopefully this (the filing) is a beginning of a process, and releasing the records and the truth coming out," Smith said.

"I really hope that it's been long enough. I hope the time is now," he said.

The document at the heart of the attorney general's request is the 1975 Meyer Commission Report. It is a review of the events that began Sept. 9, 1971 at Attica Correctional Facility.

Volume 1 of the Meyer Report was made public after it was published. Volume 2 was ordered sealed in 1981 because it included grand jury testimony.

The commission's report emphasized "important omissions" in the evidence gathered by state police afterward and the possible conflict of interest with troopers investigating their fellow officers' actions in retaking the prison. It also faulted police for bad planning and failing to account for guns fired and bullets issued to individual officers.

Forty-three people died during the course of the uprising, 39 by police gunfire during the retaking. Three convicts were killed by other inmates and one guard, William Quinn, was killed by inmates.

The decision by then-Gov. Nelson Rockefeller to order authorities to retake Attica's D Yard sparked endless debate, decades of lawsuits and hundreds of criminal indictments against inmates. No one in law enforcement or state corrections was ever convicted of a crime in connection with the riot or retaking.

Schneiderman announced in April he wanted the riot records unsealed and Gov. Andrew Cuomo stated he supported that initiative. Attica Riot records are stored in various places with different agencies, such as the state archives in Albany.

Smith said one factor in favor of more disclosure is there are no longer any pending court cases on the riot.

Former inmates and families of those killed or injured, who claimed they were beaten, tortured and denied medical treatment after the prison was retaken received a \$12 million settlement from the state in 2000.

The FVOA and the state agreed to a \$12 million settlement in 2005.

—

Forgotten Victims of Attica welcome attorney general's lawsuit

BATAVIA — The Forgotten Victims of Attica issued the following statement Monday:

“The Forgotten Victims of Attica is heartened that after a long and careful inquiry and period of drafting, Attorney General Eric Schneiderman has filed a lawsuit to unseal the two volumes of the Final Report of the Special Attica Investigation (“Meyer Report”) which have been unavailable to us for more than 30 years.

“We continue to be grateful that the Attorney General's Office has championed and joined us in our quest for truth and transparency in the release of all Attica records.

“This first step in access to records is a giant step and another historic moment in the long history of our group's efforts to have New York grant our five demands: compensation; counseling;

access in perpetuity to the site of our familial loss (Attica Prison); the opening of all Attica records (including those of the McKay Commission and civil and criminal litigation records); and a formal apology from New York state.

“We believe that when the whole truth of Attica is known, not only will our members feel solace from knowing what happened, but New York will be a stronger, healthier, and more transparent place to live.”