

Friday, January 14, 2005

Pataki to ask aid for staff in Attica riot

\$12 million would go to about 50 families

By TOM PRECIOUS
News Albany Bureau

ALBANY - Gov. George E. Pataki next week will seek \$12 million in compensation for prison guards who were killed or injured in the 1971 Attica prison uprising.

The move marks the first time the state has acknowledged any financial responsibility for the slain prison employees. All but one of them were gunned down by state troopers and other law enforcement officers during the violent storming of the prison on orders from then-Gov. Nelson A. Rockefeller.

Pataki, who has been criticized for not resolving the matter for the guards after his administration years ago paid out settlement money to Attica inmates, will seek the reparations as part of his 2005 state budget proposal, according to sources who spoke on condition of anonymity.

The \$12 million would be paid to about 50 families over six years, sources told The Buffalo News. It equals the amount awarded several years ago in a court case to 504 inmates and their families. The inmates group, after lawyers' fees, actually ended up with a pot of about \$8 million.

An advocacy group for the families of the 11 prison employees killed in the riot, as well as former hostages and other injured workers, supports the Pataki plan. That is a key hurdle since the organization has publicly battled the state for compensation and other demands it says are needed to help heal the scars from one of the ugliest chapters in the nation's prison history.

Pataki's proposal, however, does not include a formal apology from the state or access to sealed records about the riot and the storming of the prison. Sources said talks on those issues will continue.

The governor also is agreeing to a demand by the Forgotten Victims of Attica that the state officially guarantee the family members have access to the prison's property every Sept. 13 for an annual memorial service. Though memorial services now occur at Attica, the group wanted the service written into state law to ensure it will be staged each year.

The Pataki administration declined to comment Thursday.

One corrections officer died at the hands of inmates during the four-day riot that started Sept. 13, 1971. Ten other guards and workers were shot to death by law enforcement officials.

The Forgotten Victims of Attica was formed in 2000 after a group of inmates and their families were awarded compensation for their deaths and injuries during the retaking of the prison.

The group made five demands: compensation, a memorial service, an official apology from the state, access to all records about the riot and money for counseling services. Sources said the money for counseling is included in the \$12 million fund Pataki will propose next week.

In the fall of 2003, a draft report by a Pataki administration panel recommended an \$8 million payout to the victims group. The governor's prison chief, Glenn S. Goord, said at the time that the state "has a moral obligation" to resolve the Attica dispute, calling the employee victims "the most innocent of any wrongdoing."

The Forgotten Victims of Attica rejected the \$8 million payout as an insult and said the state should pay them at least \$20 million. Years ago, the group had floated a \$50 million demand, a level it called a starting point in the negotiations.

It was uncertain Thursday why the Attica group agreed to the \$12 million figure when it had been pressing for \$20 million just a year ago. Sources said the state's fiscal problems - a budget deficit totaling at least \$4 billion - likely weighed into the decision to agree to the new offer from Pataki.

Gary Horton, a lawyer for the victims group, said, "The group is very pleased that the governor's office took the initiative so that we could arrive at an agreement on the amount of money to be incorporated into this year's budget cycle instead of waiting for another budget cycle. The group is pleased with the amount and agreed to the amount."

The Pataki proposal is subject to legislative approval, and that appears all but certain, given support by key lawmakers in the past. The governor's plan would create the Attica State Employees Victim Account, to be run by the state tax commissioner and state comptroller. It would pay out \$2 million annually over six years beginning in the 2005 fiscal year to three classes of victims: the family members of prison workers killed during the riot or the retaking, workers physically attacked and held hostage and those injured by gunfire but not held hostage.

The governor's proposal creates an administrator for the fund who will determine how much money the individuals from the three different classes of victims will get. Someone whose spouse was a guard killed in the retaking could get more in reparations than an injured prison worker.

The families' impatience intensified in December when Frances Whalen became the fourth - out of 11 - widow of a slain guard to die before the issue was resolved.

E-mail: tprecious@buffnews.com