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**Attica families, state settle****Pataki expected to request first \$2 million payment**

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A total of 43 people died at the five-day uprising at the Attica Correctional Facility in Wyoming County — a riot that for some activists became a rallying cry against brutality and racism behind prison walls.

But often forgotten in the years after the riot were the prison guards and other state employees who were taken hostage during the riot. Eleven state workers died — one at the hands of inmates when the riot erupted and 10 by gunfire when State Police stormed the prison during the retaking.

In 2000, survivors of the riot and the families of slain state workers created a group called Forgotten Victims of Attica. The group has largely held state officials responsible for conditions that sparked the riot, and for the bloody retaking.

An Albany source said Thursday that Pataki's budget, to be unveiled Tuesday, would include \$2 million for members of the Forgotten Victims. There also will be plans, included in forthcoming legislation, to allot \$2 million a year for five more consecutive budget cycles, the source said.

Gary Horton, the Genesee County Public Defender who is spokesman for Forgotten Victims, confirmed the settlement.

"We are pleased that the governor took the initiative to ensure that the money was in this year's budget cycle," Horton said. The Forgotten Victims of Attica sprang to life in 2000 after the state agreed to a \$12 million settlement to resolve a lawsuit brought by inmates who were at Attica during the September 1971 riot and retaking. Of that settlement, \$8 million was awarded to inmates and \$4 million to their attorneys.

The Forgotten Victims made several demands of the state: compensation, counseling for those wanting it, access to Attica-related records, a guarantee of an annual ceremony at the prison, and an apology from the state.

According to the Albany source, three of the five demands will be answered by Pataki next week. There will be no additional funding for counseling, though anyone seeking it could use money from the compensation. As well, there will be assurances that prison grounds will be open for ceremonies on Sept. 13, the anniversary of the retaking.

The Forgotten Victims and the state will continue to negotiate over the issue of an apology and access to records that may now be sealed.

The \$8 million inmate settlement was divided among more than 500 former inmates or their families. The settlement for the Forgotten Victims is expected to be split among 50 or more families.

In 2000, U.S. District Judge Michael Telesca was chosen to decide how to divide the inmate settlement. According to the Albany source, an "administrator" will be chosen to help determine the allotment of the \$12 million settlement for the Forgotten Victims. That administrator would be chosen by the governor, legislative leaders, and the Forgotten Victims.