

# ATTICA REBELS GET MANY CONCESSIONS, BUT STILL RESIST

SEP 13 1971

Hold Out for a Full Amnesty  
From Prosecution and for  
Superintendent's Ouster

NYTimes  
GOVERNOR STANDS ASIDE

He Rejects Citizens' Plea to  
Join Talks and Rules Out  
Immunity for Convicts

By FRED FERRETTI

Special to The New York Times

ATTICA, N.Y., Sept. 12—  
Rebellious inmates who last  
Thursday seized the Attica Cor-  
rectional Facility today won  
many concessions they had de-  
manded from the state, but  
they were stubbornly holding  
out for complete amnesty from  
criminal prosecution and the  
ouster of the prison superin-  
tendent, Vincent R. Mancusi.

Both of these demands have  
been flatly rejected by the  
state, and Governor Rockefeller  
said that criminal amnesty was  
beyond his constitutional  
authority.

The rejection of the amnesty  
demand came a day after the  
death of a guard who was re-  
ported to have been injured by  
prisoners during the take-over.  
He was one of 12 guards hospi-  
talized from injuries suffered  
during the rioting at the maxi-  
mum-security prison.

## Rockefeller Stands Pat

Another persistent prisoner  
demand—one that was echoed  
today by the citizens called in  
as observers—that the Gover-  
nor personally join in the  
negotiations was turned down  
by Mr. Rockefeller.

In a statement released here  
outside the prison walls, the  
Governor said he had "carefully  
considered the request con-  
veyed to me" and was "deeply  
grateful." But he added, "I do  
not feel that my physical  
presence on the site can con-  
tribute to a peaceful settle-  
ment."

In replying to the demand for  
amnesty, Governor Rockefeller  
appeared to be assuming a firm  
stance. He said:

"I do not have the constitu-  
tional authority to grant such  
a demand and I would not,  
even if I had the authority,  
because to do would undermine  
the very essence of our free  
society—the fair and impartial  
application of the law."

## Negotiations Waver

In a tense day, marked by  
the most significant show of  
law-enforcement force since  
the take-over occurred amid  
rioting last Thursday, the talks  
aimed at getting the more than  
1,000 inmates back into their  
cells and freeing the 32 guards  
held as hostages alternately  
stalled and moved ahead.

The inmates rejected an  
afternoon request from State  
Correction Commissioner Rus-  
sell G. Oswald that the guards  
be released as a condition for  
further negotiating. The con-  
victs insisted instead that they  
wanted civilian observers who  
are attending the negotiations  
to be on hand in the "neutral  
ground" of the prison's mess  
hall.

This rejection followed re-  
lease by the Commissioner of a  
list of items demanded by the  
prisoners that he had agreed

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to. These include most of the  
administrative and social re-  
forms demanded by the in-  
mates in initial negotiating  
sessions Thursday afternoon,  
including an end to censorship  
of reading materials, adminstra-  
tive amnesty, the right to be  
active politically, a more nutri-  
tious diet and expansion of  
library programs.

Demands for passage to a  
"nonimperialistic country," in-  
tervention by Federal authori-  
ties and the right to supervise  
the reconstruction of Attica  
Prison, demanded in a Thurs-  
day "manifesto," were not men-  
tioned by Commissioner Oswald.

The earlier optimism was re-  
placed with pessimism after  
Bobby G. Seale, chairman of the  
Black Panther party, left  
the talks after being refused  
access to the captured cell-  
block

## Police Forces Strengthened

While the negotiations con-  
tinued, the state was not neg-  
lecting the buildup of police  
forces at the prison. The fol-  
lowing steps were taken during  
the day:

At 1 P.M. high-pressure hoses  
with nozzles that require the  
efforts of two men to lift were  
brought in.

At 1:10 messages were sent  
to the troops inside to deploy  
around the fences.

At 1:12 the number of tear-  
gas guns was ordered counted,  
and at 1:18 four boxes of shot-  
gun shells were carried into the  
main gate.

At 1:20 a white van, un-  
marked and filled with riot  
helmets, pulled up in front of  
the main gate. At 1:30 more  
troop movements were heard  
over a shortwave radio in a  
state trooper's car.

The fire hoses were ordered  
pressurized at 1:42, and at 1:50  
a number of long-handled  
shears with bulbs attached, to  
test electrified bars, were taken  
in.

At 1:55 people who live in  
homes across from the prison  
were asked to close their win-  
dows, perhaps because gas was  
to be sprayed. At 2 P.M. men  
were sent to roofs of buildings  
around the prison to observe  
the movements of the convicts  
through binoculars.

### Plea to Rockefeller

The Rev. Eugene Marcinkiewicz, the Roman Catholic chaplain of Attica Prison entered the main gate at 2:01 and spoke to the families of hostages who have been standing vigil there since Thursday. He told them to pray for their relatives.

At 2:05 the plea to Governor

Rockefeller was passed through the gate, reportedly from Jim Ingraham, a reporter for The Michigan Chronicle, who is one of the observer team. It read: "The committee of observers in Attica Prison is now convinced a massacre of prisoners and guards may take place in this institution. For the sake of our common humanity, we call on every person who hears these words to implore the Governor of this state to come to Attica to consult with the observer committee, so we can spend time and not lives in an attempt to resolve the issues before us. Send the following telegram immediately to Gov. Nelson Rockefeller in New York City."

The text of the telegram was: "Please go to Attica Prison to meet with the observer committee." It was signed by all members of that committee.

At 2:10 another count of gas masks was taken, and at 2:11 a discussion of fire hoses was answered over a short-wave radio with words, "We've laid it all out."

At 2:20 Gerald Houlihan, an assistant to Commissioner Oswald, and James Hemus, an assistant to Senator John R. Dunne, Republican of Garden City, L.I., who is acting as chairman of the observer committee, came out to tell reporters that Commissioner Oswald would have a statement. As he spoke, pepper gas came wafting over the 30-foot walls of the prison, causing sneezing, smarting eyes and sore throats.

### Statement by Oswald

At 2:45 p.m. Commissioner Oswald came from the prison to read the following statement:

"As a Commissioner of Correctional Services, I have personally met with you several times in areas under your control for the purposes of insuring the immediate safety of employe hostages and the safety of all others concerned during this current difficult situation.

"As you all know, food, clothing, bedding and water and medical care have been available to you. You have been able to meet with outside observers of your choice and representatives of the news media. A Federal court order was obtained promptly to guarantee that there would be no administrative reprisals. Your representatives have been able to ascertain that no mistreatment of inmates has occurred.

"I urgently request you to release the hostages unarmed, now, and to accept the recom-

mendations of the committee of outside observers, which recommendations were approved by me, and join with me in restoring order to this institution.

"Only after these steps are taken am I willing to meet with a five-member committee chosen by you to discuss any grievances you may have and to create a mechanism by which you can be assured that the recommendations I have agreed to are implemented.

"All possible efforts have been made to deal fairly with your problems and grievances to resolve the present situation. All good faith is embodied in the proposed agreement I signed, which is in your hands.

"It is in the interest of all concerned that you now respond affirmatively to this request."

### Convicts Get Statement

The statement, signed by Commissioner Oswald, was delivered to the convicts in cellblock D, and they were told to answer him by 3 P.M.

The negotiating group consists of Senator Dunne, who heads the State Legislature's Penal Codes Committee and has been designated the chairman of the group; William M. Kunstler, the militant civil rights lawyer; Representative Herman Badillo of New York City; Juan Ortiz of the Young Lords; Assemblyman Arthur Eve, Democrat of Buffalo, a long-time advocate of state prison reform; Clarence Jones, publisher of The Amsterdam News; Minister Jaybar Kenyatta of the Los Angeles Muslim Mosque, and William Gaiter, director of Build, a Buffalo antipoverty organization.

The first indication that the negotiations had reached an impasse came from Representative Badillo. His face streaked with perspiration and his eyes baggy from lack of sleep, he walked out of the prison and said tersely, "We're in trouble."

The inmates, he said, had rejected the package recommended by the negotiating committee after a conference with Commissioner Oswald and had added a new demand during the night—the removal of Mr. Mancusi as superintendent of the prison.

### Seale Visit Blocked

Later, Bobby Seale, chairman of the Black Panther party, entered the prison, only to come out 25 minutes later flanked by Mr. Badillo and Mr. Kunstler to announce:

\*"This morning the Commissioner and his aides would not

let me in, saying that if I was not going inside to encourage the prisoners to accept the so-called demands made by the committee, they did not want me. I'm not going to do that.

"In addition the Commissioner said that full amnesty was nonnegotiable and removal of the warden at Attica Prison was nonnegotiable. The Black Panther party position is this: The prisoners have to make their own decision. I will not encourage them to compromise their position.

"The Black Panther party position is that all political prisoners who want to be released and allowed to go to nonimperialistic countries should be complied with by this New York State government."

Mr. Seale said that if any of the guards who are hostages—he said they had been "arrested" by the inmates—die, Governor Rockefeller and Commissioner Oswald should be charged with murder.

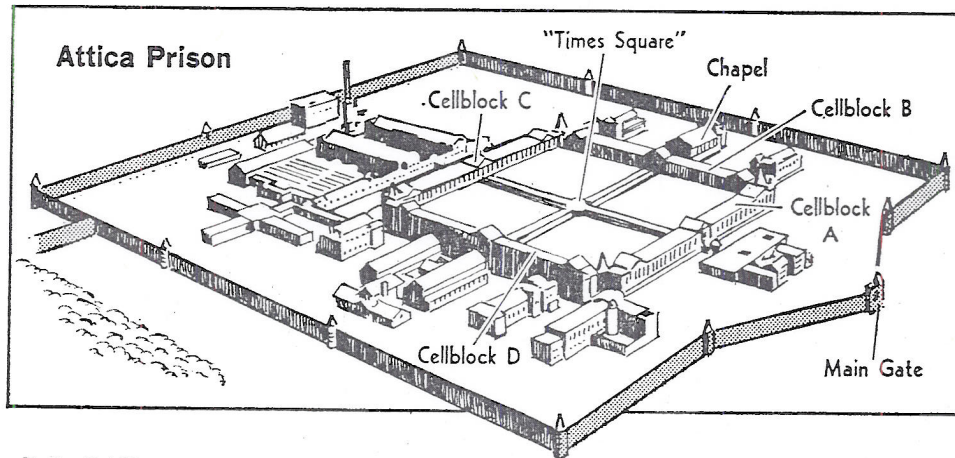
### Kunstler 'Concerned'

He said that he had wanted to deliver the message to his "brothers inside" but that the authorities had refused to let him do so. He asked that Mr. Kunstler deliver his message to the prisoners in cellblock D, where the negotiations have been going on.

Mr. Seale left, saying he was going to "central headquarters," but many here feel that he is in the vicinity of the prison. Before getting into his car, he told Mr. Kunstler: "Let's not try to compromise the demands."

Mr. Kunstler said after Mr. Seale departed that he, as one of the negotiating team, was "concerned about the implication that negotiations had reached the stage of nonnegotiability."

BY PRISON OFFICIALS



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**Negotiations between prisoners and officials have been held in Cellblock D, with most of the more than 1,000 rioting prisoners grouped in the yard in front of it. They control the other three courtyards, crosswalks, and "Times Square" where crosswalks meet.**