

Panel's Failure Evident Day Before Police Acted

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ATTICA, N. Y., Sept. 13—The resort to force in the Attica prison rebellion, with the resultant death of 37 inmates and hostages, followed a three-day attempt by outside mediators to negotiate an ending—an effort that clearly was collapsing as early as yesterday afternoon.

Members of the mediation panel said in interviews they felt their power slipping away at that point, when prison authorities demanded the release of hostages after announcing the acceptance of 28 of the inmates' 30 demands.

Some members of the 20-man panel sought to re-enter the Cellblock D yard late yesterday to further pursue the key topic of the inmates' insistence on amnesty for all their actions in the uprising. But Commissioner of Correction Russell G. Oswald said there would be no further negotiations in the yard, according to a pool news reporter present.

Telephone Cut Off

By 7 P.M., the telephone used by the panel in a second-floor prison office had been cut off, panel members related. And this morning, as helicopters warmed up and troopers checked their weapons, members refused prison authorities' request that they leave the prison.

Instead, they were restricted to the room, according to State Senator Robert Garcia, Bronx Democrat and panel member. He said prison officials had refused a request that some members be permitted to observe the assault by state troopers in the yard.

Panel members had sought more time and a chance to talk fully with Governor Rockefeller to present, in the words of Herman Badillo, New York City Democrat, "the benefit of our experience before he made a final and irrevocable decision."

But Commissioner Oswald, emphasizing his previous attempts to accommodate the inmates, said this morning at a news conference at the walls of the prison, as the popping of gunfire continued within, that he felt the prisoners were engaging in "delaying tactics" that only heightened the danger to life.

In the room, a few of the 15 panel members present had tears in their eyes and one or two were observed praying, according to a panel member present, Jaybarr Kenyatta, a former convict and Black Muslim minister in Los Angeles.

The panel members caught just a fleeting glimpse of the assault and could hear the vol-

leys of gunfire and tear gas canisters.

After the battle, and before the last pockets of the prison had been resecured, some committee members were escorted to the door, with guards glaring at them. One voice could be heard strongly at their backs, according to a panel member, declaring:

"You are never to be allowed back in the prison under any circumstances."

The group's last visit with inmates occurred last night, when a three-man subcommittee visited the yard of cellblock D to talk with hostages. The guards were found in good condition, according to a member of the panel, Tom Wicker, a columnist for The New York Times, and the inmates seemed solidly united.

William M. Kunstler, the defense attorney, spoke to the inmates and, according to the pool news reporter, told them that four representatives of Third World Nations were across the street from the prison, willing to help them to freedom. Newsmen present throughout the day were not aware of such visitors.

This word cheered the inmates and hundreds of them shook their fists in the air when asked by one of their leaders: "Who wants to go?"

This demand, heard last Thursday, for safe passage to a "nonimperialistic country" was never seriously entertained by state officials, in the view of observers present during the rebellion.

At earlier "rap sessions" attended by newsmen in the yard, panel members had emphasized amnesty along with more mundane points such as improved food, medicine, and greater respect.

"How do you know they even want you in Algeria?" asked one member of the prison population, which includes a sizable number of life termers.

Mr. Kenyatta, asked whether the inmates had been informed that safe passage was unlikely, said, "We talked straight. We didn't jive talk no one. We felt two days ago that time was running out."

There was no indication in the immediate aftermath of the assault of what became of the several inmates who did much of the talking in early encounters with Commissioner Oswald and the mediators.

These individuals included a solidly built black man referred to only as Herbie, who was credited by visitors with a talent for handling the mixture of angry rhetoric and pleas for reform that marked the yard

Herbie, who wore a poncho made from a blanket, a wool watch cap, and bore a long scar on his left cheek, was able to "let the rhetoric run and then get things back to earth," according to one news observer. He attempted to remind the inmates which demands required legislation and which were more likely to materialize sooner, one visitor said.

There also was a man called L. D., a 6-foot-tall black man who wore steel-rimmed glasses and an Afro haircut and was considered an articulate debater who emphasized black nationalist views.

Another was known as Champ, a tall slender black man, who was described as a good crowd organizer and leader of cheers at the group's meetings.

Visitors to the D yard in the four days the prisoners were in control said they were politely escorted in and out, passing a line of inmates dressed in robes fashioned from blankets and turbans fashioned from towels.

The hundreds of inmates addressed each other as "brother" and in the final visit last evening, some embraced members of the mediating panel emotionally and asked that they be remembered to their families—a hint to those present that some inmates grasped the fact that time was running out.

Panel Works Together

The mediating panel included a wide array of personalities ranging from Mr. Kunstler, the nationally known Chicago Seven defense attorney, to State Assemblyman James L. Emery, a Republican of Geneseo. Mr. Emery has a reputation as an articulate conservative in the Legislature, but the early reports of the panel's all-night attempts noted Mr. Emery and Mr. Kunstler had reached a "Jim" and "Bill" relationship.

"We had our problems," one panel member said. "There were different backgrounds, the street, the law, politics. But we worked together."

The chairman of the panel, State Senator John R. Dunne, Republican of Garden City, L. I., is the head of the Senate Committee on Crime and Corrections. His reputation for penal reform was well-known to the inmates who applauded him during one yard visit. Liberal and conservative panel members also credited him with a strong attempt at negotiating a settlement.

He indicated to close associates that he considered Commissioner Oswald's offer to meet 28 of the prisoners' demands to be historic, particularly the promises of a minimum wage for prison labor, and for a grievance committee and ombudsman.

SEE ALSO WICKER, "VISIT IN THE YARD" THIS DATE.