

SEP 15 1971

AUTOPSIES SHOW SHOTS KILLED 9 ATTICA HOSTAGES, NOT KNIVES; 5 INVESTIGATIONS ARE ORDERED



The New York Times/William E. Sauro

Dr. John F. Edland, Monroe County Medical Examiner, giving results of autopsies.



The New York Times/Michael Evans

Allen Mills, left, and Gerald Houlihan, both of the state Correction Department, at news conference at the Attica Correctional Facility.

NO GUNS FOUND

Aide to Oswald Is Shaken by Report On Attica Deaths

BY FRED FERRETTI

Special to The New York Times

ATTICA, N. Y., Sept. 14—The nine hostages killed in the uprising in the Attica Correctional Facility died of bullet wounds, it was reported today after official autopsies.

Yesterday state correction officials asserted that the hostages had been killed by convicts in knife attacks and beatings. Some of the victims had their throats slashed, the officials said.

The Monroe County Medical Examiner, Dr. John F. Edland, who performed eight of the autopsies, said today in Rochester:

"All eight cases died of gunshot wounds. There was no evidence of slashed throats."

He added, however, that some of the guards and inmates on whom he performed postmortems had clotted blood on their faces and necks.

The ninth wounded hostage, who was taken to nearby Batavia because of inadequate medical facilities at Attica, was declared dead of gunshot wounds at the Genesee Memorial Hospital by Dr. Muhtesem Veznedaroglu.

A tenth hostage died at the Rochester Hospital on Saturday night of injuries suffered when he was thrown from a cellblock window during last Thursday's riot.

Five Inquiries Begun

Word of the autopsy findings came as five investigations were ordered into the prison tragedy. Late today, Governor Rockefeller asked Judge Harry D. Goldman, Presiding Justice of the Fourth Appellate Division in western New York State, to appoint a board of visitors to enter Attica and to safeguard the rights of prisoners.

Few in this town of 2,800 people believe that the guards were killed, perhaps by fellow law-enforcement officers, in the hail of rifle and shotgun bullets that fell in the courtyard where they were being held prisoners by the inmates.

Walter Dunbar, deputy to State Correction Commissioner Russell G. Oswald, arrived in the prison early in the evening. He was asked about the report of the guards being shot, about the Medical Examiner's report that no throats had been slashed and no bodies had been mutilated.

"I have no knowledge of that," Mr. Dunbar said. *SEE BELOW*

He was reminded that he had been a member of a team that briefed reporters on Monday and told them of the stabbing and castration of one hostage.

Continued on Page 32, Column 1

Continued From Page 1, Col. 8

Mr. Dunbar shook visibly and said, "It deserves to be investigated."

On Monday, in the wake of the assault on Attica Prison—in which 1,000 state troopers, sheriff's deputies and guards retook the prison from rebellious inmates who had held it since last Thursdays—Gerald Houlihan, an aide to Commissioner Oswald said that the dead hostages had had their throats slashed and had been beaten. He said that the inmates had not had guns.

He had no comment on the report that the hostages had died of gunshot wounds and not because their throats had been slashed.

Today Mr. Houlihan twice repeated that the more than 1,000 inmates who rioted had not had guns.

"I don't know of any guns found," he said, standing in front of the main gate of the prison. And when he was asked if he was certain that there were no guns, he said: "Not to my knowledge."

Throughout the four days of negotiations Mr. Houlihan and other observers had maintained that the inmates had no guns—only bats, clubs, makeshift knives, swords and captured teargas canisters. When Mr. Houlihan was informed of Dr. Edland's disclosures, he acknowledged that he and Commissioner Oswald were aware of them.

Later Mr. Houlihan came out once again from the prison to announce that the state police and guards, searching the debris-strewn cellblocks, had turned up a quantity of homemade zip guns.

Dr. Edland was asked if any of the wounds could have come from zipguns. He said, "No."

A Day of Confusion

The disparity between Mr. Houlihan's and the medical accounts of the death of the hostage guards was only one of several contradictions and highlights of a day that saw groups of lawyers armed with a court order barred from the prison; that saw a group of volunteer doctors told they were not needed to help treat wounded inmates still in the prison, although "medical teams were on the way from western New York."

It was a day when the first of several hundred prisoners bused out of Attica for other prisons; when guards threatened to resign and retire; when the official death toll in the worst prison riot in recent history rose to 41—31 inmates and 10 guards; when the District Attorney of Wyoming County, Louis James, who has criminal jurisdiction over the prison, was described as "confused" as to how his prosecutions for murder and other criminal acts would proceed.

Dr. Edland said that 27 bodies of prisoners and guards have been delivered to him at the County Medical Examiner's Building in Rochester early today. The prisoners' bodies had tags on their toes marked P-1, P-2 and so on, up to P-18. The guards' bodies had their names on tags tied to toes.

3 Doctors at Autopsies

Assisted by Dr. Kenneth Marten and Assistant Medical Examiner Richard Abbott, two of the few forensic pathologists in western New York State, and observed by the state police, who had requested him to do the autopsies, Dr. Edland examined all of the bodies and concluded that all of the guards had died from gunshot wounds.

"Some were shot once, some as many as five, 10, 12 times," he said, with "two types of missiles, buckshot and large-caliber missiles; many were shot at, I believe, a fair distance." He said the bullets came either from rifles or handguns.

Dr. Edland was asked if the bullets could have come from state troopers' rifles. He said, "I'm not familiar with the weapons carried by the state police." He refused to speculate further, saying: "I'm not interested in prosecution or defense in any case."

Nevertheless he carefully addressed himself to points that contradicted official versions of how the guards had died.

Mr. Houlihan had said that one guard was emasculated. Dr. Edland said: "None of the bodies were mutilated except by gunshot and stab wounds."

Mr. Houlihan had said that two of the guards had been killed before the assault on the prison took place and that rigor mortis had set in. Dr. Edland said: "All died yesterday morning."

The Medical Examiner said that one of the hostages had "a single cut in the back of the neck" but that the cause of death for all of the hostages was gunshot wounds. He said that all of the slain hostages had their hands tied behind their back, "that many were beaten severely about the head" and that "one had his back beaten and his buttocks."

Dr. Edland was asked if there was any difference in the character of the wounds in the bodies of the guards and those of the inmates. He said "no difference," and he answered similarly when asked if the men were dressed alike.

He discounted a report that Governor Rockefeller had

phoned Dr. Edland, urging him to cancel his press conference at which his disclosures were made.

He said a "Mr. Johnson" from the Governor's office had called simply to get the results of the autopsy and had "absolutely not" put any pressure on him. He pointed out that post-mortems were matters of public record and added:

"I am my own man and, I call things as I see them. All I know is I have 27 bodies in my office, which is more than I ever want to see again in one day."

A spokesman for the Governor said in New York City last night that "there is no Mr. Johnson on the Governor's staff."

Troopers Observe Doctor

Dr. Edland said that state trooper observers watched as he performed the autopsies. "I think they kept waiting for the next case to show up. Finally we ran out of hostages. I'm used to not finding what people tell me I will find," he said.

Some details of circumstances surrounding the initial examination of the bodies at the prison were disclosed today. The coroner's physician in Attica, Dr. Merlin Bissell, did not make the examinations.

Coroner Paul Slusarczyk of nearby Perry said he had been informed by prison officials yesterday that Dr. Bissell was not available and that, as a result, the prison's physician, Dr. Paul Sternberg, had been appointed acting coroner to make the initial check of the causes of death.



GUARDING PRISON'S MAIN GATE: State policemen at passage during change of guard at Attica. A trooper and a guard are leaving at the end of their shift. Troopers continued to work alongside guards inside the compound.

Associated Press

The inmate's list of grievances expressed during the uprising had included complaints about Dr. Sternberg's care.

Dr. Bissell indicated he had been available for the job.

16 Dead Inmates Identified

The names of 16 dead inmates were released this afternoon. They are Robert Francis Joseph Hanigan, Melvin Ware, Milton Menyweather 3d, James Robinson, Samuel Joseph Melville, Charles Lundy, Raphael Vasquez, Willie Fuller, Elliott James Barkley, Alfred L. Williams, Thomas Hicks, Santiago Santos, Barry Jay Schwartz, Willie West, William Allen and Melvin Duvall Gray.

A reported total of 42 inmates, some seriously injured, are in the prison hospital ward.

Before dawn today a caravan of six cars brought nine doctors and three nurses to Attica. They said they were from the Medical Committee for Human Rights, and one of their number, Dr. Frank Apfel, said the group from Lincoln Hospital, St. Luke's Hospital, Harlem Hospital and the Albert Ein-

stein Medical Center in New York City wanted to assist the prison doctors. They were refused entry to the prison.

They were joined by 35 lawyers, led by Walter Hellerstein of the Buffalo Legal Aid Society, who said that the group was disturbed about reports of prisoners being interrogated without legal counsel. He pointed out that Commissioner Oswald had granted that demand of the prisoners.

They, too, were denied entry although earlier they had obtained a preliminary Federal court order in Buffalo requiring that the prison officials permit them to enter. But guards refused to let them in, physically barring them with guns over their chests.

Likewise, barred was Robert Alexander, director of the Cleveland Court Offender Rehabilitation Program, who said he had spoken to Commissioner Oswald over the phone and had told him he was coming.

In Buffalo this afternoon, Federal Judge John T. Curtin vacated the preliminary order and turned down a request for a preliminary injunction that would have permitted lawyers and nurses to enter the prison.

The prison had told the judge that the prisoners would be advised of their constitutional rights and that it was not practical or necessary to admit the lawyers for that purpose.

Prof. Herman Schwartz of the University of Buffalo, who participated in the unsuccessful suit to gain admission, said he would meet with other lawyers to determine whether an appeal would be made against Judge Curtin's order.

Six buses carrying prisoners to other correctional institutions left in three separate caravans escorted by state troopers. The first left shortly after 5:30 this morning and the last five hours later. They were filled with "volunteers" who had requested transfers, Mr. Houlihan said.

Sheriff Dalton G. Carney of Wyoming County was an early visitor at the prison. He came out saying that the inside was "a mess." He said some cleaning up was being done by crews of guards; that National Guard teams were searching for explosive devices believed still hidden in the underground conduits beneath the prison cellblocks; that six convicts were still unaccounted for.

The sheriff said that Governor Rockefeller had called him last night to congratulate him on an excellent job of police work. He quoted the Governor as saying "I've been thinking of you" and of adding that "the Commissioner [Oswald] has been sitting on a powder keg."

Sheriff Carney said he would be assisting the Wyoming County District Attorney in his criminal investigation of the events at Attica. He said the prosecutor, Mr. James, was "confused like all of us—when you have something like this where do you go?"

The sheriff said the Governor had also telephoned Mr. James to congratulate him on the amnesty stand he had taken. The District Attorney said last week that he would prosecute the prisoners for their criminal acts during the riots. Complete amnesty from criminal prosecution was one of the prisoners' main demands.

Late today the Office of General Services, the State Budget Department and the Correction Department sent teams into Attica to begin estimating the damage to the prison. Another visitor was Judge Carlton Fish-

er of the Statewide Task Force Against Organized Crime.

The news of the Medical Examiner's report caused some troopers stationed outside the prison to be skeptical and others to ask for understanding. They declined to be identified.

"You got to understand that situation — rushing in there after four days of sitting on your butt," one trooper said.

"It's a wild scene, and things are far from ideal. Rounds fired in there went every which way. We had some prison guards along to help identify who was a hostage and who was an inmate."

A trooper confirmed what Dr. Edland said earlier—that the hostages had been stripped of their uniforms and dressed in inmates' garb.

The prison population is predominantly black and Puerto Rican, and since there are no black guards, all the hostages were white, another trooper noted. But he said this did not simplify the identification in the fast-moving scene, because troopers were concerned lest white inmates pose as hostages and seek escape from the roundup.