

Prison Leaders in 8 States Support Assault at Attica

NYTimes

By PETER KIHSS SEP 16 1971

Prison chiefs in at least eight states generally uphold the storming of the Attica Correctional Facility, and some even believe that the assault should have come sooner.

Leaders queried in 30 other states on whether they would have "handled the Attica situation as New York did" preferred to avoid public comment, mostly out of concern over the possible spread of tensions.

"The New York people might have moved sooner — the longer prisoners are in control, the more confidence they have," said Ray Page, warden

of Oklahoma's major penitentiary.

Harold J. Cardwell, warden of the Ohio penitentiary, said, "The longer you wait, the more problems you face."

As to negotiating with prisoners, California's Department of Correction reported that, in accord with formal, written policy, "We do not recognize hostages, and we do not bargain with prisoners in a state of insurrection."

Gov. Thomas J. Meskill of Connecticut said: "We ought to move in quickly—I don't be-

Continued on Page 49, Column 1

Continued From Page 1, Col. 7

lieve in negotiating with anyone holding a hostage of a gun."

Hard-line policies in the face of prison violence were indicated in responses from officials responsible for prison systems in many of the 38 states reached by correspondents of The New York Times in the last two days.

Also, Donald H. Goff, general secretary of the Correctional Association of New York, expressed concern over the treatment of prisoners by one another during the time the authorities lacked control over a prison.

A former head of New Jersey's prisons, he said that experience indicated "gang rapes and assaults" occurred as soon as controls ended. Then, he said, comes a calm period followed by a new buildup amid irritations in the face of organization and supply problems.

Another expert, Dr. E. Preston Sharp, general secretary of the American Correctional Association, said that his organization had been warning for three years of a major anti-establishment thrust against prison systems over political grievances that were beyond the power of prison authorities to resolve.

Probation programs, community residential centers and screening of minor offenders, he said, have resulted in higher concentrations of hard-core criminals in state prisons.

Sol Rubin, general counsel of the National Council on Crime and Delinquency, said that prison terms in New York State were "among the longest in the country," with the new penal code continuing "long terms for nondangerous offenders and restricted parole release by minimum terms."

A black leader, Winston E. Moore, executive director of the Cook County Department of Corrections in Chicago, charged that "racist practices" in hiring and promotion and other areas were involved in many prison problems.

Fewer than 2 per cent of prison employees nationally are black or Spanish-speaking, he said, while more than 60 per

cent of the inmates fall in these two categories.

He said that it was "a sad commentary" that Attica inmates had to riot to see their warden, and "pitiful" that the warden and State Commissioner of Correction had to call in "friendly and persuasive" blacks from outside to "do their job of conferring with inmates."

"If the prison officials at Attica had known the profile and make up of their institution," Mr. Moore said, "they should have been able to quash the disturbance before it became a massacre."

"With the same type of weapons and armament as brandished by the inmates, the correctional officers should have charged into the riot area. There might have been casualties, but far less than 37 dead."

Officials who indicated that they would probably have gone into the prison sooner than New York officials did included Ray Farley, Tennessee's assistant commissioner of correction; Dr. George Beto, Texas's Director of Corrections, and Lenard Meacham, Wyoming's state prison warden.

No Other Alternatives

Others who assumed that New York had no alternatives were Allen Cook, Arizona's Director of Corrections; Kent Stoneman, Vermont's Commissioner of Corrections, and Ellis MacDougall, Georgia's correction head.

Without passing judgment on New York's tactics, William J. Estelle, warden of Montana state prison, said, "In Montana, it probably would have been a four-hour decision rather than a four-day decision."

Col. Walter E. Stone, superintendent of the Rhode Island state police, said that generally it was advisable to move rapidly against prison disturbances.

Last February, Gov. Marvin Mandell of Maryland went to Patuxent Institution for Mentally Ill Criminals when inmates beat a guard who was being held hostage and threatened to kill him unless the Governor heard their grievances.

Before he would talk to the inmates, Governor Mandell demanded that they release the

guard. They did, and he talked. James Jordan, Maryland's Acting Commissioner of Corrections, said that he would negotiate as long as required "if it means saving a man's life" but would order guards in if hostages' lives were endangered.

North Dakota's Director of Institutions, Walter Fiedler, said, "I think our Governor would have gone out and talked with the prisoners."

Other comments on policy were as follows:

ARIZONA: "No negotiations" while hostages are held.—Correction Director Cook.

COLORADO: "If you're asking me personally, there'd be no negotiating with any prisoners holding any hostages."—Wayne K. Patterson, warden of state penitentiary.

DELAWARE: "We do not negotiate"—John J. Moran, Director of Adult Corrections.

HAWAII: "We would not negotiate under duress or threat with any prisoner or group of prisoners while they participate in an insurrection, mutiny or hold hostages." — Corrections Administrator Ray V. Belnap.

KANSAS: "We do not negotiate with convicted felons. Hostages mean nothing to us. Everyone who comes to work here understands this."—Robert M. Woodson, Director of Penal Institutions.

MISSOURI: State officials must not negotiate with convicts who seize control or take hostages to enforce demands.—Gov. Warren E. Hearnes.

MONTANA: "We do not negotiate while hostages are in custody. No inmate represents another inmate at our prison."—Warden Estelle, who added that he interviewed individuals on request.

NEVADA: "I never negotiate with prisoners while they are in a state of rebellion . . . I will discuss anything . . . after the institution is restored to normal."—Warden Carl Hocker of State Prison. He recalled that inmates seized two guards as hostages in April, 1970. He refused to negotiate and stormed the prison, freeing them without injury.

NORTH CAROLINA: "Every employe of the state prison system must realize that his

employment involves risks comparable to those taken by a policeman or a soldier."—Prison Policy Book for Employees.

OHIO: "In my opinion, you can't negotiate when they're holding hostages. I'll not talk to anyone while I'm being intimidated."—Warden Cardwell.

OKLAHOMA: State policy of non-negotiation with prisoners holding hostages or weapons or threatening to destroy property was established after a 1941 slaying of a warden by prisoners.—Warden Page.

OREGON: "Although we would have to handle each situation as it comes to us, we would take the position of no negotiations while hostages are being held—that hostages are given up and any discussion would follow."—Amos Reed, Director of Corrections Division.

TEXAS: "We would refuse to negotiate. We don't advise with inmates in groups."—Corrections Director Beto.

WEST VIRGINIA: "I know exactly what I would do, but I think it would be inappropriate for me to comment publicly at this time."—J. Donald Clark, Commissioner of Public Institutions.

WYOMING: "Wouldn't negotiate."—Warden Meacham.

Report Is Quoted

South Carolina's Director of Corrections, William D. Leeke, cited a Federally financed report by an American Correctional Association committee he heads, that starts out:

"Is it proper to negotiate with mutineers? In theory, the answer is obviously no. Inmates in defying the authority of the government are in the act of committing a crime, and in addition any agreements reached under duress would have neither legal nor moral force."

The report says that talks with ringleaders might be tried "if hostages were involved" or inmates had seized some critical point, but with a readiness to use force if talks failed.

"It is the bargaining and indiscreet giving of promises which should be avoided," the report goes on.

The report questions "permitting anyone who is not well

acquainted with life in a correctional institution to negotiate with mutinous inmates."

"The advisability of a Governor entering into such a situation," its says, "is probably unwise except as a most extreme last resort. To do so inflates the rioters' egos and lends encouragement to a repetition of the same show on another stage."

No Hostages in Jersey

In New Jersey, Albert C. Lagner Director of Correctional and Parole, said that the state had never had a prison-hostage situation.

In Alabama, L. B. Sullivan, Commissioner of Correction, recalled agreeing to meet with a prisoner spokesman if rebels returned to cells in one recent minor uprising not involving hostages. They refused. He invoked force and did not meet with them.

Idaho's Director of Corrections, Raymond W. May, said that he had "pioneered the inmate council movement" and negotiated with a council during a disturbance last month.

Minnesota's Correction Commissioner, David Fogel, who voluntarily spent several days in cellblocks in two prisons before taking office this year, said that he tried to maintain "dialogue" with inmates.

Mississippi's Tom Cook, superintendent of the state penitentiary at Parchman, a prison without walls, reported a policy of keeping the state's 1,900 prisoners—75 per cent black—widely dispersed in 17 camps with not more than 175 men bunched in one place.

Virtually every state prison chief said that he would have no power to grant amnesty for criminal offenses, as was sought by the Attica rebels.

Indiana's Corrections Commissioner, Robert P. Heyne, said that a crime that went unpunished contributed to a breakdown of the legal system.

In Massachusetts, John J. Fitzpatrick, Commissioner of Corrections, said that the law required notifying the Attorney General of any felony in prison, and that holding hostages was a felony. At most, he said, he might recommend amnesty.