

Two on Negotiating Team Find Fault With Kunstler

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By JAMES F. CLARITY

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Two members of the group that tried to negotiate a peaceful settlement of the revolt at Attica Correctional Facility charged yesterday that William M. Kunstler, the civil rights lawyer, had sought to undermine the negotiations.

And Governor Rockefeller, who was called "a murderer" by Mr. Kunstler in connection with the killings at the prison, was implicitly critical of the lawyer, who represents many of the Attica inmates and was a member of the negotiating team. But, asked in Albany if he thought Mr. Kunstler had "incited" the prisoners, Mr. Rockefeller said he had "no personal knowledge" of this.

Mr. Kunstler denied that he had sought to undermine the negotiations. At a news conference here, wearing a black armband in mourning for the Attica dead, he said he would file suit in United States District Court here next week, charging the Governor and other state officials with violating the civil rights of the inmates during the rebellion.

Expectations Heightened

The charges against Mr. Kunstler were made by Alfredo Mathew Jr., a Manhattan school official, and David Anderson, a Rochester School official. Both, like Mr. Kunstler, were members of the negotiating team that met with the inmates during the revolt.

"Kunstler heightened the expectations about getting amnesty," Mr. Anderson said in Rochester. "The idea picked up and put the inmate leadership we had been dealing with before Kunstler came in a precarious position."

Mr. Mathew, superintendent of Manhattan School District 3, said he had been invited to join the negotiating committee by "the Governor's office" and had flown to the prison in a State plane, as did several other committee members. Mr. Kunstler was not invited by the State.

Group Varied From 20 to 30

Mr. Mathew said that many members of the committee, which varied in number from 20 to 30, had been seeking ways to negotiate the release of the hostages and to supervise the implementation of reforms demanded by the prisoners. This was being done, Mr. Mathew said, in an undramatic manner. "But Bill Kunstler, from the

very beginning," Mr. Mathew said, "was playing the role of advocacy. He did say that he understood they [the inmates] could settle for nothing less than total amnesty."

Mr. Mathew said he had last heard Mr. Kunstler make such a statement Friday night, before the inmates agreed on 28 demands (excluding total amnesty) they presented to the state officials. Asked if he heard Mr. Kunstler advocate the total amnesty demand after the 28 demands were proposed, thus possibly disrupting the negotiations, Mr. Mathew said, "I could not say that he was still demanding total amnesty."

Feelings 'Ambivalent'

Other members of the committee, who observed Mr. Kunstler's actions at the prison, said their feelings were "ambivalent" as to whether the lawyer had been a constructive or disruptive influence on the negotiations.

Some said they felt Mr. Kunstler had misled the inmates when he told them that there were representatives of "Third World" governments "across the street" from the prison prepared to grant them asylum in their countries. Others said Mr. Kunstler was clearly the white negotiator most acceptable to the predominantly nonwhite inmates.

Mr. Rockefeller, discussing Mr. Kunstler at La Guardia Airport before leaving for Albany, said he had heard that the lawyer had said Attica would stir uprisings all over the country. Asked to comment on Mr. Kunstler's proposed legal action against him, the Governor shrugged, without answering.

To the charges that he had undermined the negotiations, particularly by insisting on total amnesty, Mr. Kunstler, at the Center for Constitutional Rights, 588 Ninth Avenue, replied, "It's untrue."

A Correction

In a news story published in editions of Sunday, Sept. 12, The New York Times incorrectly identified Richard Roth as a reporter for The Buffalo Evening News and as a consultant in the events at the Attica State Correctional Facility. Mr. Roth is a reporter for The Courier-Express of Buffalo and was admitted to the prison as an observer.