

LAWYERS TO MEET ATTICA PRISONERS

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State's Permission Follows Guard's Testimony of Prisoner Abuse

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BUFFALO, Sept. 16—State Correction Department officials gave permission today for lawyers to interview prisoners at the Attica State Correctional Facility. They acted after a National Guard member testified in Federal Court here that he had seen prisoners being beaten and abused by prison guards and state troopers after the Attica rebellion.

The Federal Court hearing had been sought by the American Civil Liberties Union, which had petitioned Judge John T. Curtin for a permanent order to gain entry to interrogate inmates about incidents in the prison uprising.

Interviews with the prisoners are expected to begin this morning.

The guardsman, James P. Watson, a 24-year-old second-year law student at the State University of Buffalo, holds the rating of a Specialist 4 in a battalion supply section.

In his testimony, which took almost an hour, he said he

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had entered the prison compound with his unit and distributed ammunition to members of his group for a half hour. He told the court that he had noticed that about 40 injured men had been brought out on stretchers and placed near a chain-link fence about 15 yards from him.

"Many of them were twitching," he said. "I could see a lot of blood. It appeared that some were in convulsion or shock. Occasionally, you could see a prisoner lift his head and try to cover his feet."

When a prisoner made such an effort, Mr. Watson continued, the prison guards would yell obscenities with a racial context and shout at the prone victims, "Keep your head down or we're going to bash it in."

Most of the prisoners were blacks and Puerto Ricans, whites predominantly among the police.

Requests for comment on the allegations from Mr. Oswald's Albany office were met with, "No statements will be coming from here with regard to any allegations," and a referral either to the Commissioner or the department's public information officer, both in Attica. Mr. Oswald could not be reached for comment.

Douglas Dales, a spokesman for the state police, said he was

unaware of the charges and could not comment.

Col. Raymond F. Joyce Jr., the National Guard spokesman, said that no guardsmen had been involved in either the attack on the cellblock or the later round-up of prisoners. He said that when Mr. Watson had spoken of "guards," he apparently had been referring to prison guards.

"I would be almost certain that none were involved in any pushing, prodding or beatings," he said.

'Break Him'

Mr. Watkins said that state troopers had ordered one inmate to get up. When the prisoner said he could not, according to the witness, a doctor "looked at his back and then walked away."

He said that two troopers prodded the prisoner with clubs and "I heard one trooper say 'break him, so he'll stand. They cracked him a few times."

In further testimony, Mr. Watkins told the court: naked with perhaps four guards guarding them. Nine out of ten of them were black. They were being poked in the groin, in the rectum, in the legs, anything just to speed them up."

Vincent E. Doyle of Buffalo, one of the lawyers who had gone before Judge Curtin seeking the order, asked the witness whether any of the prisoners were showing any resist-

ance. Mr. Watkins replied:

"None whatsoever. Their hands were on top of their heads. The guards would stand along what I would have called a gantlet. They were facing me with prisoners between myself and them."

Mr. Watson went on to say that the prison guards had struck each of the prisoners on the shoulders and heads with their clubs. He estimated that about 35 prisoners had been treated in this manner.

At about that time, Mr. Watson said, he entered an adjacent building in the prison yard. There, he said, he saw a prisoner being "kicked and kicked until he fell down."

"He was forced to get up and was taken away," he added.

Mr. Watson said that as each prisoner was taken into the building there would follow about 10 seconds of sound such as "a club might make when it hit a bone or flesh."

"I heard moans," he testified. "On other occasions I didn't hear anything from the prisoners."

He recounted how he had heard some of the guards yelling that Black Power was not going to do the prisoners any good. He also told of guards who "fell upon [a prisoner] and whacked him with clubs in all parts of his body." The prisoner, he said, was "perfectly passive."

"He didn't speak a word. It lasted about ten seconds," he testified.

The witness said he had seen a black man lying on a stretcher who had spoken to the guards, saying: "I know you killed Brother Herbie. You killed Brother Willie. My spirit will be lifted."

Mr. Watson said the guards had appeared incensed at the prisoner and warned him that he would be killed if he moved.

In a later question directed to Mr. Watson, the civil liberties lawyer, Mr. Doyle, inquired:

"Were you at any time directed not to say anything?"

Not Ordered to Silence

Mr. Watson said: "One sergeant told me that 'what you saw today you are not to repeat to anyone else. You could be sued.'"

Mr. Watson added however, that nobody had given him any official directive to keep quiet.

Mr. Watson, who is married, wears glasses and his dark hair cut short. He is of medium height and of moderately heavy build.

Clad in civilian clothes outside the court, he told what had brought about his testimony:

"I felt I had to tell someone what I saw in there: If the prisoners are going to be held for their responsibilities, then so should... the guards.

After Mr. Watson had



COLLECTION: Weapons in photo released yesterday by State Police. They were described as "some of the weapons found after State Police had secured" Attica prison.

stepped down, Mr. Doyle told the court:

"Somebody has got to poke a hole in the virtual iron curtain that surrounds Attica."

Judge Curtin then recessed the hearing and retired to his chamber. He did not return to the bench to rule on the A.C.L.U. request because, shortly thereafter, representatives of the State Correction Department agreed to allow lawyer to enter the prison to question the inmates.

Aryeh Neier, executive director of the A.C.L.U., said he understood that the lawyers would be admitted into the institution this morning. He said that four anterooms were being set apart for the lawyers and inmates.

After the prison had been entered and the rebellion put down Monday, lawyers had gone into Federal Court seeking a temporary order to interrogate prisoners. Some had gone to Judge Curtin's home before dawn Tuesday and he granted a temporary order.