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Panel Finds Legal Rights Of Some Inmates Violated

By ERIC PACE

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ATTICA, N. Y., Sept. 19—Members of the committee formed by Governor Rockefeller to safeguard the rights of Attica prisoners reported today that 600 of them had been moved in the last week and that some had been interrogated by state investigators without having been advised of their legal rights.

Inmates' lawyers who went inside the prison today said that prisoners they saw were still "terrified," unshaven, unbathed, without underwear and often without shoes.

They said clients told them that some prisoners were being awakened at 3 A.M. for interrogation, and others had pistols held to their heads, or were threatened with asphyxiation.

A prison spokesman declined to comment. A spokesman for Deputy Attorney General Robert E. Fischer, who is overseeing the interrogations, would say only: "This investigation, like all of the investigations we conduct, is secret."

Twenty-seven prisoners and nine hostages were killed last Monday when state security forces crushed a revolt in the prison. The toll prompted widespread charges that the authorities had been too tough. These criticisms were repeated by spokesmen for civil liberties organizations today, with respect to the state's investigation of the causes of the revolt.

"We're extremely distressed by this," said William E. Hellerstein, chief appellate counsel for the Legal Aid Society. "We've learned there have been persistent, round-the-clock interrogations of inmates, and they are not being warned of their constitutional rights to remain silent and to have the assistance of counsel at an interrogation."

Mr. Hellerstein was acting as spokesman for the dozen clients' lawyers present here who are affiliated with the society and other civil liberties organizations, such as the American and New York Civil Liberties Unions. They represent several hundred inmates.

But members of the Governor's committee said that Mr. Fischer's office had given written orders to insure that pris-

Panel to Meet Again On Attica Committee

The panel of Justices named by Governor Rockefeller to choose a citizens committee to investigate the events at the Attica Correctional Facility will meet tomorrow to consider persons who could be selected.

The panel, headed by Chief Judge Stanley H. Fuld of the Court of Appeals, has set as its goal the selection of a committee that will be as objective as possible. It met on Saturday but made no decisions, and the number of members to be selected for the committee has not been determined.

In addition to Judge Fuld, the panel includes the presiding justices of the state's four Appellate Divisions: Harold A. Stevens, Samuel Rabin, Clarence Herlihy and Harry D. Goldman.

oners' legal rights were respected.

As they answered reporters' questions in front of the rain-streaked prison walls, one committee member, Robert P. Patterson, said the instructions had been sent out last night or early today. There was no official confirmation.

The committee's co-chairman, Austin H. McCormick, a penal expert, said he had been told that 2,234 inmates had been in the penitentiary before the takeover of the prison by the prisoners and that only 1,640 were left.

Sources close to the prison administration said the men were shifted to ease crowding after many prison facilities were wrecked in the revolt. They said the men were transported in chartered buses to the Green Haven, Dannemora and Great Meadow prisons.

There was no immediate official confirmation from the prison administration. An aide to State Correction Commissioner Russell G. Oswald appeared briefly at the prison, said, "No press conferences are scheduled today, none at all," and withdrew.

Prisoners Complain

Mr. McCormick noted that the committee had been pressing prison authorities to reduce the number of men in each cell. Three inmates have been crowded into some cells meant for one. He said all the prisoners who had been transferred were "nonparticipants" in the revolt and that the number of men in the prison's cells had been reduced by half.

Appearing with Mr. McCormick, Mr. Paterson said that members had learned from "independent observation" that the prisoners' legal rights had not been observed by interrogators in some cases. He did not say how many, but he said prisoners and prisoners' lawyers had told the committee of other instances.

Mr. Patterson, a member of the law firm of Belknap & Webb, said the committee members had discussed the matter with a deputy to Mr. Fischer. He observed:

"It seemed to us the thing to do is to make sure it doesn't occur in the future. I think the people in charge of these investigations had instructed people orally to give Miranda warnings [informing prisoners of their rights], but due to the filtering down [through the ranks] it may not have occurred."

"Miranda warning" is the legal term, stemming from the name of a Supreme Court decision, for the legal requirement to inform a suspect, before he is interrogated, of various rights, including the right to remain silent and to have a lawyer present.

Commenting on the committee member's declaration, Mr. Hellerstein said, "The right of a prisoner with respect to questions of custodial interrogation, within the confines of prison walls, are certainly equal and, we believe, even greater under the law" than those of free men.

Mr. Hellerstein said he knew of no single instance since the revolt in which government interrogators had questioned an inmate in the prison in the presence of his lawyer.