

# Fischer Cautions Officials About Attica Statements

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By FRANCIS X. CLINES SEP 25 1971

State officials who played leading roles during the uprising and police assault at the Attica Correctional Facility were requested by Deputy State Attorney General Robert E. Fischer yesterday to refrain from making "prejudicial" statements.

Mr. Fischer, who has been appointed by Governor Rockefeller to head the state's criminal investigation into the Attica incidents, issued the request through the Governor's office.

The request was cited by a spokesman for the Governor as the basis for withdrawing an earlier agreement to cooperate with a request from The New York Times to interview a half dozen state officials, including the Governor, in an attempt to shed light on various points of confusion and controversy.

Requests for an official detailed chronology and description of the Attica events have been made repeatedly by news media representatives since the prison raid and the release by state officials of false information that hostages' throats had been slashed by inmates.

Requests by newsmen the police assault and to visit and interview prisoners at Attica in the aftermath were denied. Inquiries about noncriminal aspects generally have been referred by state agencies to Mr. Fischer's office, which declines comment.

One source of information, interviews by State Senator John R. Dunne with former Attica inmates, was cut off yesterday by state officials.

If totally heeded, the Fischer request apparently means that the state's official answer to basic questions about Attica will await the report of a citizens panel sought by the governor. The panel, to be named by the Chief Judge of the Court of Appeals, Stanley H. Fuld, and four other Justices, has not yet been named and is expected to take months in its inquiry.

## Oswald Cancels Meeting

Earlier in the day, Commissioner of Corrections Russell G. Oswald canceled a meeting he had scheduled in Albany with a number of invited newsmen. The session would have been the first opportunity for newspaper reporters who covered the Attica events to question the Commissioner since Sept. 13, when troopers stormed the prison and quelled the rebellion.

The spokesman for the Governor, Gerald F. McLaughlin had indicated Wednesday that there was an agreement to permit interviews of a number of officials, with the only problem being some delay because of the press of other government affairs. Next Monday or Tuesday, for example, was cited as a good time to see T. Norman Hurd, the Director of State Operations, who was present at Attica.

But yesterday, Mr. McLaughlin said that because of Mr. Fischer's request the interviews could not be held.

## 'Intend to Comply'

Asked how a discussion by state officials of events apart from the homicides at Attica might prejudice Mr. Fischer's criminal investigation, Mr. McLaughlin replied, that Mr. Fischer's statement "is quite explicit and we intend to comply with his request."

Asked where the statement originated, he replied: "Our understanding is that his is clearly a request initiated by Mr. Fischer."

Among the areas yet to be discussed in detail by state officials are the preparations for the prison uprising; the four days of negotiations involving the inmates, a panel of outside observers, Commissioner Oswald and the Governor's representatives; and the nature of the police assault itself, in which 28 inmates and nine hostage prison employees were fatally wounded by gunfire, according to the Medical Examiner's report.

Last week the Governor said he thought the hostages had been hit by state troopers' cross fire.

In addition, one guard died of head injuries suffered on the first day of the uprising and three inmates died before the police assault, according to the Medical Examiner, who found the inmates' bodies had slashed throats and numerous stab wounds.

Commissioner Oswald appeared before the newsmen at Attica on the night of Sept. 14, 36 hours after the assault, reading a short statement but declining to answer questions. He cited exhaustion as the reason for putting off their questions.

Last Tuesday, he appeared on a national television news show. He answered the anchorman's questions, blaming "Maoist" revolutionaries for much of the trouble, and has been unavailable to newsmen since then.

The opportunity for interviews was requested of the Governor, Commissioner Oswald, Robert R. Douglass, the Governor's secretary, who was his liaison at Attica; Michael Whiteman, the Governor's counsel, who on several occasions had been seen entering the prison with Mr. Fischer; Mr. Hurd; a representative of the

state police; the Commissioner of General Services, Almerin C. O'Hara.

Mr. O'Hara is a retired military general whose department has jurisdiction over state buildings and furniture. Newsmen thought they recognized his voice on the police radio during the assault, as instructions were issued. Last week, a woman at Mr. O'Hara's office said he had been at the scene to check on the reports of "burning mattresses."

Mr. Fischer's statement also requested that state investigators at Attica refrain from questioning inmates without assuring that "all constitutional prerequisites have been fulfilled." Inmates' attorneys had complained repeatedly that prisoners were coerced into talking, without benefit of counsel.

Mr. Fischer's warning against "statements that might be deemed prejudicial" was directed to "state agencies and officials."

An aide to Mr. Rockefeller was asked whether this also applied to Governors. "Yes," he replied.