

JUDGES APPOINT 9 TO STUDY UPRISING AT ATTICA PRISON

Panel Led by Dean McKay
of the N.Y.U. Law School
Includes Ex-Convict

OCT 1 1971

COURT HEARS INMATES

3 Charge They Were Beaten
After Revolt—8 Guards
Relieved as Unstable

NYTimes

By WILLIAM E. FARRELL

A nine-member citizens committee with instructions to conduct a "full and impartial" investigation of all aspects of the Attica prison uprising in which 10 hostages and 32 prisoners were killed was named yesterday by five judges.

The committee, which the judges selected at the request of Governor Rockefeller and the legislative leaders of both parties, will be headed by Robert B. McKay, dean of the New York University Law School and chairman of the Citizens Union. The panel also includes a former convict and a criminology student.

The five judges, including Chief Judge Stanley H. Fuld of the Court of Appeals, announced that their two-week search for committee members had ended in the drawing up of a list.

Members of Committee

In addition to Dean McKay, the committee, which is supposed to investigate "in detail the events leading up to, during and following the riot" at Attica is made up of:

The Rev. Edwin Broderick, the Roman Catholic Bishop of Albany.

Mrs. Amalia Guerrero, a retired entertainer who is president of the Society of Friends of Puerto Rico.

Amos Henix, executive director of Reality House, Inc., and a former convict who has served time for attempted assault, forgery and narcotics violations.

Burke Marshall, deputy dean of the Yale Law School and chairman of the Vera Foundation.

Walter N. Rothschild, chairman of the New York Urban Coalition and former president of Abraham & Straus department store.

Robert L. Carter, a lawyer and former counsel to the National Association for the Advancement of Colored People.

Mrs. Dorothy Wadsworth, president of Neighborhood Health Centers of Monroe County.

William Willbanks, a 31-year-old student at the School of Criminal Justice at the State University at Albany.

The announcement of the selection of the citizens' committee came on a day in which there were the following other developments related to the prison revolt:

¶ In United States District Court in Buffalo three inmates of the Attica prison charged that guards had beaten them and threatened their lives since the rebellion was quelled on

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Sept. 13. The prison's superintendent, Vincent R. Mancusi, testified that he had had to relieve eight prison guards after the revolt ended because they were emotionally unstable.

¶ At Attica, state officials said that anxiety over the possibility of concealed weapons in the prison was so great that five teams of security men were searching the grounds with metal-detecting devices.

¶ Because of his widely publicized one-man tour of the state's prisons, Senator John R. Dunne, Republican of Nassau, will probably not be recommended by Republican legislative leaders to head a prison reform commission.

¶ The formation of a committee to examine "all our assumptions" about prisons composed of leading scholars was announced by former Senator Charles E. Goodell.

Wide Representation Sought

When the judges were asked on Sept. 16 to pick a citizens panel, the Governor and the legislative leaders stipulated that it include representation "from the community in its broadest sense" and that these named be "in no way related to the events at Attica."

In providing the list of names, the judges said that selection of the committee "concludes the limited assignment with respect to the events at Attica."

The burden is now on Mr. Rockefeller and the Republican and Democratic leaders, the judges said, "to invest the committee with powers essential to its investigation and to enable it to function effectively."

Mr. Rockefeller and the leaders announced on Monday that \$200,000 in state emergency funds had been set aside to finance the various investigations under way of the Attica uprising.

Besides Judge Fuld, the committee was selected by the presiding justices of the state Appellate Division's four departments. They are Harold A. Stevens, First Department; Samuel Rabin, Second Department; J. Clarence Herlihy, Third Department, and Harry D. Goldman, Fourth Department.

Governor Rockefeller's office was asked what sort of powers the committee would have and whether it would have any jurisdiction over a criminal investigation of the Attica revolt being conducted by Deputy State Attorney General Robert E. Fischer, a Rockefeller appointee.

To Meet Early Next Week

A spokesman for Mr. Rockefeller said that Dean McKay would meet with the Governor and legislative leaders on "the details" early next week.

Dean McKay said he had not yet met with the committee members or with aides of the Governor.

"My understanding is I will have a call from the Governor's counsel [Michael White-

man] tomorrow to set up a meeting of the legislative leaders and others involved," Mr. McKay said, "to find out the exact authority of the committee and its powers."

At a Sept. 16 news conference, Mr. Rockefeller said the committee would have subpoena powers and would be required to "report to the public all of the facts as rapidly as possible to end the arguments, the discussions and the uncertainties which exist."

and chairman of theenate Crime and Correction committee, has been investigating the revolt and a new state legislative commission is expected to be announced in a few days to recommend prison reform legislation.

Earlier in the week judicial sources reported that the five judges were having trouble in getting persons to accept the committee assignment either because it would be too time-consuming or because they had personal views about the Attica uprising.

Dean McKay said that agreeing to be chairman of the committee was "a difficult and fearsome task."

"I'm sure all of the members of the committee will want to find out as much as we can and make disclosure about what happened," Mr. McKay said.

"I only hope everyone will want to share with us what happened," Mr. McKay added, "and then we can try to determine why it happened and what we can do about it."

At that time, the Governor said the Fischer inquiry would be a separate investigation from the committees, but that "I'm sure he will cooperate."

Because hem may eventually be prosecuting cases, Mr. Fischer, acting with a lawyer's caution, has provided almost no information about his investigation to the media.

Reform Legislation Due

A flurry of investigations have been spawned by the Attica uprising and just how or whether they will mesh remains to be seen. Senator John R. Dunne, Republican of Nassau