

U.S. Judge Scores Attica Ban On News Interviews of Inmates

By JAMES F. CLARITY

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BUFFALO, Oct. 1 — Federal Judge John T. Curtin said today that the public was receiving a "one-sided view" of the revolt at the Attica Correctional Facility because newsmen had been barred from interviewing inmates since the uprising was crushed Sept. 13.

Judge Curtin was presiding in the United States District Court here in a case brought by several newsmen in March to force state prison officials to permit reporters to interview prisoners. The Judge repeatedly asked Assistant Attorney General Joseph J. Ricotta to explain why the newsmen should not be allowed into the prison to interview inmates.

Mr. Ricotta, noting that he had just been assigned to the case in recent days, said the State Commissioner of Correction, Russell G. Oswald, had suspended at Attica the "Guidelines" for newsmen visiting prisons, under a provision of the guidelines stipulating that newsmen could be excluded if it was deemed that the security, safety or integrity of the facility would be threatened.

Herman Schwartz, lawyer for the newsmen, said that regardless of the state guidelines, established July 15, he sought a court order to force the state to open Attica to newsmen for interviews of prisoners.

Mr. Schwartz, a professor of law at the University of Buffalo, also represents a number of Attica inmates in other legal actions against the state.

News Ban Scored

In one of his arguments, Mr. Ricotta implied that the state investigation of the rebellion being conducted by Robert E. Fisher, a deputy attorney general, might be impeded by news interviews.

"That's a red herring," Judge Curtin said sharply. "The state says on the one hand that it won't let them (inmates) see lawyers because of the investigation, and on the other hand is trying to protect them" from newsmen.

too," Judge Curtin said. The judge asked Mr. Ricotta how Attica security would be damaged. "I'm not an expert on penology," Mr. Ricotta said. "The authority should be left to the Commissioner of Corrections." Judge Curtin asked what the Commissioner's reason was for banning newsmen from Attica.

"I'm not prepared to come up with any reason he has," Mr. Ricotta said. Judge Curtin adjourned the case until next Thursday at 10 A.M., when state officials and newsmen may testify.

Appeal Is Rejected

A Federal appeals court in New York refused yesterday to grant a preliminary injunction that would have barred state authorities from questioning all Attica inmates concerning the recent prison uprising until the inmates had consulted lawyers.

Ruling on an appeal from a decision by Judge John F. Curtin in Buffalo, the United States Court of Appeals for the Second Circuit rejected the injunction request by a coalition of lawyers representing inmates.

The three-judge panel, consisting of Walter R. Mansfield, J. Edward Lumbard and James L. Oakes, reserved final decision on the appeal, but refused to grant a preliminary injunction to prevent interrogation of the inmates pending the final decision.

Phylis S. Bamberger argued for the coalition of lawyers that the rights of the Attica inmates required that they have legal counsel before being questioned because they could be charged with crimes as a result of the prison uprising.

Each inmate should have access to a lawyer before any interrogation, she argued, even if the individual inmate did not demand that the authorities provide counsel for him.

Maxwell B. Spont, an assistant attorney general for the state, argued in response that the issue was pending in a state court and that the rights of the inmates were being safeguarded, so that Federal intervention was not warranted.

Mr. Spont disputed the contention of coalition lawyers that they represented all of the inmates involved in the Attica uprising.

The appeals panel reserved decision on the access and advice of lawyers for inmates before and during interrogation by state authorities.

"The public at large is getting a one-sided view," the judge said. He asked what "security problem" could be presented by a "press interview."

"That could depend on what the inmate is going to say. I don't know," Mr. Ricotta said. He added that there might to "all kinds of stories" from inmates.

"There have been all kinds of stories from the other side,