

BAN ON REPORTERS AT ATTICA UPHeld

Court Finds No Violation of
Freedom of the Press

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BUFFALO, Oct. 28—Federal Judge John T. Curtin refused today to order the Attica Correctional Facility to permit newsmen to interview inmates.

Judge Curtin, in a decision issued here, denied a request for immediate access to the prison made by a number of newsmen. The newsmen had said that they had been refused permission to interview inmates since the uprising at the prison was crushed Sept. 13. They contended that the ban on interviews was a violation of their rights under the First Amendment guarantee of freedom of the press.

The decision affected only part of a suit brought by the journalists in March demanding generally freer access to state prison inmates. In July, the State Department of Corrections issued a set of guidelines for handling news coverage at prisons, and the case lay dormant until the Attica interview ban was imposed. On Sept. 23, lawyers for the newsmen added to the case the request for a Federal order for immediate access to the prisoners at Attica.

Date Set for More Evidence

Today, Judge Curtin directed lawyers for the newsmen to inform him by Nov. 12 whether they wanted to present further evidence relating to the overall suit.

The newsmen are Nat Hentoff, The Village Voice; Robert Schakne, Columbia Broadcasting System; Fred Ferreti, The New York Times; Dick Edwards, The Amsterdam News; Edward Hershey, Newsday, and James Willwerth, Time magazine.

At a hearing in the case three weeks ago, the Attica superintendent, Vincent R. Mancusi, told the court that interviews would adversely affect the security of the prison and that they should not be permitted for at least another month.

Judge Curtin said at this hearing that the exclusion of newsmen resulted in the public's receiving a one-sided view — from state officials — of the Attica uprising of Sept. 9 to 13, in which 32 prisoners and 11 hostages were killed.

In his decision today, Judge Curtin said the newsmen had failed to prove that their constitutional rights had been violated. He said also that the prohibition of interviews was not an "unreasonable restriction on contacts between prisoners and the press."

But, the Judge said: "It should be pointed out that the court affords little weight in this decision to the argument that the Attica Correctional Facility does not have space or personnel to accommodate newsmen, for not only are lawyer and family visits being permitted, but visits by some outside groups have evidently been permitted."