

PROMISES CALLED UNKEPT ON ATTICA

Inquiries 'Obfuscate' Issue,
Badillo Tells House Panel

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WASHINGTON, Dec. 1— Representative Herman Badillo told the Congressional committee investigating prison disorders today that the many investigations of the rebellion at the Attica Correctional Facility had served "to obfuscate the fact that inmates' demands agreed to by the state have not been implemented."

Mr. Badillo, who was an observer during the rebellion, testified on short notice in place of Richard Clark, an Attica prisoner who had been scheduled to appear before the House Select Committee on Crime this morning. Clark's name was printed on the list of witnesses given out late yesterday afternoon by the committee staff and a mimeographed biography was distributed.

Then last night, shortly after the New York State Correctional Services Commissioner, Russell G. Oswald, and his executive deputy, Walter Dunbar, had finished testifying before the committee, they informed the chairman, Representative Claude Pepper, Democrat of Florida, that they did not want Clark to appear.

Litigation Feared

The reasons they gave, according to Representative Pepper, were that if Clark were transferred from New York jurisdiction to Washington "there was the possibility of litigation on Clark's part to delay his return to New York," and that "there might be a problem of security."

Representative Pepper said Mr. Oswald's arguments closely paralleled similar statements made to him last week by Dep-

uty Attorney General ROBERT E. Fischer of New York, who is heading New York's criminal investigation into the Attica uprising and its aftermath. He said Mr. Fischer had suggested that Clark—who is regarded as one of the leaders of the uprising—not be called because "it was always risky bringing someone like that because of the possibility of litigation."

The committee ignored Mr. Fischer's plea and a federal marshal was en route to Attica last night when Mr. Pepper changed his mind.

Representative Charles B. Rangel, Democrat of Harlem, and a member of the committee, called it "ridiculous to investigate a prison situation, without talking to prisoners." He said he intended to go to Attica this weekend to speak with Clark and other inmates who reportedly took part in the Sept. 9-13 revolt, which resulted in 43 deaths.

And Representative Pepper added that he intended to speak with Clark probably "within the New York jurisdiction" and "if they refuse to let us talk to him we'll use our subpoena power."

Mr. Badillo, a Democrat

whose district covers parts of Manhattan, the Bronx and Queens, pointed out that the team of observers at Attica had unsuccessfully tried to have the inmates appoint a committee to negotiate, but that they had insisted that all negotiations be conducted in the prison yard with "all 1,200 of them."

He said that all of the 28 demands eventually agreed to by Mr. Oswald in consultation with Robert R. Douglass, Secretary to Governor Rockefeller, and New York State's Budget Director, T. Norman Hurd, were negotiated and agreed to in the yard by inmate vote.

Mr. Badillo did not list all of the investigations into Attica, but lumped them together in saying that their combined activity was serving only to cloud the fact that the 28 demands agreed to by Mr. Oswald on behalf of the state had not been implemented.

Mr. Badillo's testimony completed the Attica phase of the committee's hearings. The group

is also to hear testimony about prison uprisings in Raiford, Fla., and at Rahway state prison in New Jersey.