

# Governor Appears in Private Before McKay Panel

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ALBANY, April 5—The McKay Commission, charged with producing a "full and impartial" account of the causes, events and aftermath of last September's riot at Attica prison, interviewed Governor Rockefeller today in private.

The session at the Governor's office in Manhattan, which was recorded, lasted two hours and 45 minutes. It amounted to Mr. Rockefeller's testimony to the panel, since his office said later that there was no plan for the governor nor key aides directly involved in the uprising and aftermath to appear at the commission's public hearings, which are scheduled to begin in a week.

The interview, which the Governor's office said was made at his request, came amid speculation that a separate criminal inquiry into the Attica incident, led by the Governor's appointee, Deputy Attorney General Robert E. Fischer, might seek to have the McKay hearings put off. The theory would be that inmates and other witnesses at public hearings might compromise legal proceedings expected to arise from Mr. Fischer's current grand jury presentation.

## Court Action Possible

A state source said the Fischer group had been considering whether to seek a court order blocking the McKay units public sessions. A spokesman here for Mr. Fischer declined to comment.

The public hearings are cer-

tain to include witnesses critical of the Governor's role in the inmate rebellion and the state police assault last September in which 32 prisoners and 11 hostages were killed. Most of them died, according to the Medical Examiner, in the hail of gunfire by policemen retaking the prison, and critics have scored the governor and other state officials on this point.

The nine-member McKay Commission, led by Robert B. McKay, dean of the New York University Law School, was appointed as a citizens inquiry by a five-judge group designated by the governor and the legislative leaders of both parties.

Its goal is a factual account

of the Attica riot, ranging from reports on the actions of the inmates and their hostages in the embattled yard to those on the panel of outside negotiators that sought a settlement and to the highest state officials, including the Governor, who dealt with the uprising by telephone contact with his aides.

## Report by June Sought

The commission's tentative have, according to one individual familiar with its proceedings, is to issue a report by June.

The question of how the Governor and his aides would present testimony, whether in private or public or both, was a matter left to their choosing,

according to Mr. McKay. He said relevant portions of the accounts of the Governor and his aides would probably be presented at the hearings.

Mr. Rockefeller made an hour-long statement to the panel, answered questions by the commission general counsel Arthur Liman, and then responded to additional inquiries from commission members.

Mr. McKay said later that the Governor was one of 3,000 witnesses to be heard since the inquiry got under way last fall. The task, he said, has been to hear all those involved—members of the National Guard, deputy sheriffs, felons, surviving hostages, state troopers and others.

The hearings are scheduled

THURSDAY, APRIL 6, 1972

## on Attica Riot

to begin next Wednesday with a three-day session in Rochester, with another session scheduled for April 17 in New York City.

In Rochester, they will be held and broadcast at the local educational television station, Channel 21, and at least some of the sessions will be carried in New York City by Channel 13. Mr. McKay said in response to a question.

Mr. McKay said state officials had been "extremely helpful" in responding to requests of the commission. He declined to discuss speculation about a conflict with the Fischer inquiry, but other sources said the McKay group would be certain to fight any move to block the hearings.