

Former Prisoner at Attica Testifies He Saw Defendant

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BUFFALO, March 4—A former Attica inmate testified today that he saw John Hill, one of two defendants on trial for murder here, strike correction officers with a club as inmates swarmed through critical checkpoints in the first hour of the prison insurrection that began on Sept. 9, 1971.

Providing the most-graphic description in the first seven



United Press International

Charles Joseph Pernalice, one of two men on trial for murder at Attica, during a recess yesterday in Buffalo court.

days of the trial, the witness, William Rivers, a 30-year-old parolee, said he had seen Mr. Hill beat guards at two locations during the take-over of "Times Square," the crossroads at the heart of the Attica Correctional Facility where four major corridors come together.

Mr. Hill is on trial for murder of Correction Officer William

E. Quinn, who was on duty at Times Square and who died as a result of injuries suffered in the outbreak.

Mr. Hill's codefendant, Charles Joseph Pernalice, was not linked to the beatings in Mr. Rivers's testimony, nor has he been placed at the scenes of violence by the statements of the previous seven witnesses.

Said He Was Blockaded

Mr. Rivers told the court that as he was returning from breakfast he found himself blockaded in one of the long corridors near Times Square by the disorder he gradually saw erupting around him. At one point, he said, he saw men breaking up furniture and at another time, he said, he saw

a group of men, some armed with sticks, charge toward the Times Square gates from the far end of a tunnel.

"They came running through; there was a little shoving and what not," said the short, heavyset witness, who wore thick glasses. He began his day on the stand in a sports jacket and tie, but shed them as the questioning wore on.

He said he first saw Mr. Hill strike an officer near the Times Square gate. He told the court that he had returned to his cell to retrieve his "pictures" and then, with a fellow prisoner named Ed Zimmer, he had once again walked to the corridor where, some 140 feet from Times Square, he spotted Mr. Hill once more.

"I saw a correction officer lying on the ground whom Mr. Hill was beating in the head," the witness said. "He was lying in the corridor and bleeding, bleeding bad, and he wasn't moving at all."

Mr. Rivers said he saw Mr. Hill strike "two or three blows." After that, he said, the defendant approached "a nude guard" and hit him.

"A Spanish or Puerto Rican guy told Mr. Hill, 'Don't hit him any more, he's mine,'" Mr. Rivers recalled.

Nowhere in his testimony did the witness identify any of the guards by name, and on the basis of the court record so far, it has not been determined whether the guard Mr.

Strike Two Correction Officers With a Club

Rivers said he saw at Times Square was the same man he saw bleeding on the floor 140 feet away.

Under cross examination by William M. Kunstler, Mr. Rivers said he had seen 10 men in all swinging clubs during the take-over, and he said he thought he had seen one other man hit a guard with a club at Times Square. Mr. Kunstler asked the witness whether this was the first time he had ever mentioned this fact to anyone.

'I Find You Amusing'

"I can't say that it is and I can't say that it isn't," said Mr. Rivers, who had spent much of the afternoon bickering with Mr. Kunstler.

At one point, when the lawyer

sought through a series of questions to pin the witness down as to how many minutes had elapsed between his movements, Mr. Rivers smiled broadly.

"Do you find this amusing?" Mr. Kunstler asked.

"No, I find you amusing," Mr. Rivers answered.

A good share of the skirmishing concerned Mr. Kunstler's questions about Mr. Rivers's parole, which came a year and a day after he entered Attica on a four-year term for attempted assault.

The parole was given at the earliest time that the law permits, and the defense lawyer asked Mr. Rivers if he had decided to cooperate with state

investigators in hopes of aiding his chances for parole.

Mr. Rivers acknowledged that he thought he might be paroled or even be released if he cooperated, but said that state agents "told me they couldn't promise anything." The witness said he had asked the agents to help him to be transferred from Attica to the Tompkins County jail in his home city of Ithaca and that this was done shortly before he testified to a grand jury.

In response to defense questions, the witness also acknowledged that, despite two recent complaints to his parole officer alleging he had beaten his wife and choked her, his parole had not been revoked.

When the prosecution finished its examination of Mr. Rivers, Mr. Kunstler, began to protest that he had not been given sufficient notice to prepare for cross-examination.

"I object," shouted Louis Aidala, the prosecutor, "the prosecution has no obligation."

"When a man's life is at stake I want to prepare his best defense," shouted Mr. Kunstler.

"You've had the material for four months," Justice Gilbert A. King snapped at Mr. Kunstler.

"That's a . . ." answered Mr. Kunstler, his voice trailing off.

"That's a what?" asked the judge, and when there was no answer, he ordered the cross-examination to begin.