

Ex-Inmate of Attica Tells Of Seeing Hill Club Guard

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BUFFALO, March 12—A man who said he was a penitentiary friend of John Hill, one of two Attica Prison inmates on trial here for the murder of a guard, testified today that he saw Mr. Hill club a guard on the head at the outset of four days of turmoil at the prison in 1971.

Moreover, Robert Kopec, the witness, said that a few hours after the initial violence, while he sought a place to sleep in the prison yard controlled by inmates, Mr. Hill approached him to share an incriminating confidence.

"He told me," Mr. Kopec said, "he thought he had killed a guard at 'Times Square' [an area of the prison] that morning because he was hitting him and just lost his mind and he kept hitting him, and hitting him and hitting him until blood came out of his eyes, ears and mouth and that's why he thinks he killed him."

As Mr. Kopec, a 25-year-old unemployed auto worker and convicted burglar, quoted his former friend, the courtroom was still and jurors as well as observers, many of whom had earlier slouched in tedium, sat poised and attentive.

Although he was the 15th witness and the fifth former inmate to testify in the 13 days of the trial so far, he was the first to describe life at Attica in other than clinical terms. In contrast to those before him who talked of "proceeding" down corridors or "locking" in cells, Mr. Kopec recalled, not without some pride, the human relationships and associations of prison.

Under direct questioning by James Grable, one of the prosecutors, the Buffalo resident told how he had met Mr. Hill some weeks before the riot at his "spot."

"Can you tell the jury what a spot is?" asked Mr. Grable.

"It's a more or less a group, a select group, more or less a fraternity, guys who are introduced as good people," said the witness, who spoke with the intonations of the street, the poolroom and prison.

He said there were 20 members of his spot and that three weeks before the riot Mr. Hill had been accepted in it after being sponsored by his uncle, Bill Hill, who was also an inmate.

He said the members regularly congregated at the same area in the yard, an area that was bounded by "imaginary lines." The members, who had a leader, played poker and lifted weights and stayed together for about five and a half hours a day.

Blacks Excluded

Later, under cross-examination by William M. Kunstler, Mr. Hill's lawyer, Mr. Kopec was asked if there were both black and white inmates who were members.

"Just white—we had a rule," answered the witness.

Mr. Kunstler made several further references to this exclusion and on at least one of these occasions the forewoman, one of two blacks on the jury, could be seen scowling. Until now all of the witnesses with one exception have been white. Mr. Hill and the other defendant, Charles J. Pemasilice, are American Indians.

After establishing that he had known Mr. Kill well, Mr. Kopec, gum chewing and jaunty, was asked about his movements on the morning of Sept. 9, 1971.

He had come out of breakfast and gone to the recreation yard, he said, when he became aware of windows breaking in a bordering corridor. He entered that corridor and headed toward "Times Square," the central checkpoint of the prison. The gate to that vestibule was open and around him inmates ran in all directions. At a point eight feet from the gate, he stopped. He was asked by Mr. Grable what he saw then.

Assailant Identified

"I saw an inmate I had known striking a correction officer," Mr. Kopec responded, and soon after identified the assailant as Mr. Hill. He said the officer, whom he could not identify, was lying near the center of the square on his face and Mr. Hill was standing next to him.

He said Mr. Kill swung twice at the man with what he believed was a table leg, two and a half feet long and tapered. Earlier, some witnesses had testified that Mr. Hill had been armed with a 2-by-4, and one man said it was a wooden board.

Mr. Kopec said he then saw Mr. Kill hit the guard twice and that both blows struck the officer on the right side of his head just above the temple.

This was the first testimony that so specifically located the blows, and as such, is important. In building its murder case, the prosecution will have to show that Officer William Quinn, who died of head injuries, was killed by blows struck specifically by Mr. Hill and his co-defendant. There has been some testimony that Mr. Quinn was hit by others.

So far, three former inmates, including Mr. Kopec, have identified Mr. Hill as hitting a guard they could not identify. One former inmate, who concluded his testimony this morning, said he had seen Mr. Hill beating a guard he knew to be Mr. Quinn and one guard said he saw an inmate he later identified as Mr. Hill standing armed with a club near the spot where he saw Mr. Quinn fall. That guard, Donald Melvin, said he had noted at the time that the inmate "had Oriental eyes."

In beginning his cross-examination of Mr. Kopec, Mr. Kunstler seized on this and asked the witness whether anyone had ever told him that he had Oriental eyes.

"Yes, my wife," said the witness, who does in fact have Asian features, including high cheek bones and almond-shaped eyes.

In an apparent attempt to implant the notion that it was Mr. Kopec, himself, who struck the guard, Mr. Kunstler asked the witness about his own physical appearance. Mr. Kopec said he was 5 feet 11 inches tall, the same height as Mr. Hill, and had brown hair, like the defendant. He was asked whether he had ever sought treatment for facial blemishes at Attica. Mr. Kopec said he might have.

Earlier, it had been established that Mr. Hill had an acne condition while in prison and this was brought up by some witnesses who had originally identified him from photographs.

"But you never hit anybody?" asked Mr. Kunstler with sarcasm in his voice.

"No, sir."

"You never had a stick?"

"No, sir."

On another line of questioning, also intended to discredit the witness, Mr. Kunstler drew



John Hill, left, and Charles Joseph Parnasilice, defendant, talking with reporters outside the courtroom in Buffalo.

from Mr. Kopec an acknowledgment that he had been convicted for burglary, the possession of burglar's tools, and conspiracy to commit burglary, and, that his father-in-law had complained that the witness had threatened to burn his house down.

The lawyer was thwarted, however, by Justice Gilbert H. King from asking questions about Mr. Kopec's recent arrest

in cases that are presumably still pending.

Mr. Kunstler and the judge have periodically exchanged angry words ever since pretrial hearings began last November. However, in the last few days their relationship has approached cordiality. At one point today, Mr. Kunstler interrupted a question while ambulance sirens screamed from the street outside.

"Whenever you're ready," said the 68-year-old judge.

"The sirens take me back to my early days of practice when a sound like that could send the boys flying out of the courtroom," Mr. Kunstler said.

"I trust those days are over," Justice King remarked.

"Yes, I can't run anymore," said the 56-year-old Mr. Kunstler.