

ATTICA WITNESS AIDS DEFENDANTS

Ex-Inmate Unable to Identify Two Accused as Slayers of Guard in Uprising

By MICHAEL T. KAUFMAN
Special to The New York Times

BUFFALO, March 20—A former Attica inmate, who was released on parole 10 days ago, testified today he had seen a black inmate strike a prison guard he believed to have been Correction Officer William E. Quinn as convicts overran the Attica State Correctional Facility on Sept. 9, 1971.

The witness, testifying for the defense, said he could not identify the assailant, but he described in graphic detail how the man landed a blow on the forehead of a fallen guard with a 2-by-4 piece of lumber. He specifically said he could not identify John Hill and Charles Joseph Pemasalice, the two men who are defendants in the trial here in Mr. Quinn's murder. The witness said he had never known them in prison.

The parolee, Charles Raymond Cratsley, told how he had walked into "Times Square," a section of the prison, and seen 15 or 20 inmates herding "three of four guards" into a corner.

Guards Forced Down

"The inmates told them to lie down, but they didn't understand English too good, so they persuaded them to lie down," the 29-year-old witness said.

"How did they do that?" asked William M. Kunstler, the lawyer for Mr. Hill.

"They hit them with their hands," the witness said.

Mr. Cratsley said that one of the guards lay close to the center of the "Times Square" vestibule. "I'm not for sure but I think it was Quinn," he said.

He added that an inmate had struck the guard and that blood was flowing from the officer's forehead. "I said, 'Christ sakes, don't kill him,' and the man stopped."

Under cross examination by Louis Aidala, the prosecutor, the witness was asked how he knew the guard in question was Mr. Quinn, the only officer to have died at the hands of in-

Guard Who Lied About Attica May Be Disciplined by the State

By ROBERT HANLEY

The State Correctional Services Department yesterday began considering possible disciplinary action against a prison guard who has testified that he falsely accused an inmate of striking a guard at the start of the Attica revolt in September, 1971.

Top officials of the department were described as being unaware of the fabrication until the guard, Alton Tolbert, admitted it Wednesday in Buffalo at the trial of two former Attica inmates accused of slaying Correction Officer William E. Quinn.

Gerald Houlihan, a spokesman, said the department was "completely shocked" by news accounts of Mr. Tolbert's testimony that he had lied to state troopers in late 1971 when he volunteered an account that an inmate named Kenny Orr had hit Mr. Quinn with a shovel.

The department's labor relations units, Mr. Houlihan said,

will investigate Mr. Tolbert's fabrication and recommend whatever "actions that are necessary and appropriate." He did not rule out eventual disciplinary action against the 33-year-old guard, who joined the department in October, 1970.

The prosecution in the Attica trial, which uncovered Mr. Tolbert's lie nearly two years ago and ordered him to sign a document recanting the story, acknowledged yesterday that it had not provided that material to Correction Department officials in Albany.

Charles Bradley, a member of the prosecution team, said his colleagues felt that they could not release their records on Mr. Tolbert to his superiors because the matter was part of the entire investigation of the uprising at Attica.

"But now it's all a matter of public record, and we'll turn over the records," Mr. Bradley said.

mates during the uprising.

Mr. Cratsley said he did not know the guard's name at the time but said he was sure it was the same man who had been on duty at "Times Square" earlier that morning as the inmate passed to and from breakfast.

Mr. Quinn was in fact the guard assigned to that post at that time.

During the cross examination, the witness, who has nine years still to serve on parole, clung to the details of his story, at times smiling in what appeared to be enjoyment at the prosecutor's efforts to discredit him.

Mr. Aidala asked the witness if he had not been sentenced to a term of up to 15 years for attempted rape, and had not, in fact, raped a girl as she was on her way to school.

"You mean, Barbara?" asked the witness, who immediately added, "Yes."

He readily conceded that he has been under psychiatric treatment for the last six years in prison and that for the eight years he had gone to school he was in classes "for slow learners."

He invited the prosecutor to examine his medical records.

Mr. Cratsley, who comes from Corning, N.Y., said he refused

to discuss his observations with state investigators after the riot. "I heard they were after indictments so I told them I didn't have anything to say."

He did, however, speak to investigators from the McKay Commission, the state panel appointed to examine the prison rebellion from a historical perspective.

Mr. Cratsley and his testimony were discovered by Edward Koren, a Buffalo lawyer who in the last three and a half years has interviewed several hundred inmates at Attica, which is 30 miles from here.

From the defense's point of view Mr. Cratsley's testimony introduced several new factors into the trial, now 19 days old. None of the prosecution's 19 witnesses made any mention of guards' being forced to lie down before anyone was hit. Several witnesses said they had seen inmates other than the two defendants hit Mr. Quinn, but none was as specific as Mr. Cratsley.

To sustain a charge of murder the prosecution must show that the guard's death resulted directly from blows struck by the defendants. Medical testimony given here earlier indicated that the guard had died of head injuries resulting from blows with blunt objects.