

Attica Defense Rests as Inmate Says

By MICHAEL T. KAUFMAN

BUFFALO, March 25 —The defense in the Attica murder trial rested today after introducing its sixth and strongest witness, a former inmate whose testimony challenged nearly every aspect of the prosecution's case against John Hill, one of two defendants being tried here for the murder of Correction Officer William E. Quinn.

In essence, the witness, Everett Burkett, said that he had spent much of the morning of Sept. 9, 1971, with Mr. Hill, moving with him through the areas where the prison insurrection began that day, and that in that time he had never seen the defendant hit anyone.

The 27-year-old witness, a short, stocky man with a Van Dyke beard, told the court he had been living in Buffalo and working to improve his painting since his release from prison four months ago. Unlike other witnesses in this trial, he was not defensive about his criminal history, acknowledging freely that he had been in various institutions for almost half his life and that he had been a drug offender.

Rampage by Inmates

As to his recollection of the Attica uprising, he said he had been in a prison yard when he heard the sounds of the initial inmate rampage coming from an adjoining tunnel. Peering through a window from the yard, he said, he saw a guard running down the tunnel with his face bleeding.

"That's when I picked up a pipe," said the gravelly voiced parolee. "I didn't know what was coming down."

Mr. Burkett said he stood near the tunnel, having noticed before that the door from the yard to the tunnel was closed, an unusual occurrence. Continuing, he said:

"There was a lot of commotion, and then the door opened. A minute later, I saw John Hill come out, and I called him over."

From that point, he testified at the Erie County Courthouse,

he was constantly in the company of Mr. Hill. He said that he and the defendant had talked in the yard with a friend of theirs, Robert Kopec, and that after Mr. Kopec refused to join them, they entered the tunnel.

Earlier in the trial, Mr. Kopec, testifying for the prosecution, said he had seen Mr. Hill strike Officer Quinn at "Times Square," a normally barred vestibule at the end of the tunnel. Now Mr. Burkett was saying that Mr. Kopec had not in fact gone into the tunnel.

Other former inmates had also testified that they had seen Mr. Hill hitting an injured guard at a midway point in the tunnel sometime after the door to the recreation yard was forced open, and that this guard was Mr. Quinn. However, Mr. Burkett insisted that Mr. Hill was with him from the time the door was forced.

Question and Answer

"And you never saw the defendant hit anyone?" asked William M. Kunstler, Mr. Hill's lawyer.

"No, I did not," the witness answered. The question and the response became a refrain running through the testimony.

During the prosecution presentation, three former inmates and a guard had said they had seen Mr. Hill hit Mr. Quinn inside "Times Square," and in his cross-examination, Louis Aidala, the prosecutor, asked Mr. Burkett whether to his knowledge Mr. Hill could have struck the officer in the vestibule before he first left the tunnel for the yard where he had met Mr. Burkett.

"He could have," answered the witness. Mr. Burkett insisted, however, that the defendant had entered the yard within a minute after the door was opened.

Earlier testimony had indicated that the door to the yard was breached before inmates crashed into "Times Square," where Officer Quinn stood barricaded against their charge. The distance from the yard door to "Times Square" is about 150 feet.

For the most part, Mr. Aidala did not focus on the witness's account in his cross-examination. Instead, seeking to discredit Mr. Burkett as a chronic criminal not worthy of trust, he elicited from the witness his prison record.

Mr. Burkett said that he stopped school in the fifth grade, that he had committed crimes in many parts of the state and in California, that he had stolen cars and had picked up a heroin habit in prison. He said, too, that he had assaulted and robbed a 70-year-old woman. He and his wife of four months were now on welfare, and he had worked only one and a half weeks in his life, that job being that of a restaurant worker.

"Isn't it true then," said the prosecutor, "that you support-

He Saw Hill Hit No One

ed yourself through crime?" "I would say I was supported by institutions," answered the witness, explaining he had spent more than five of the last six years in prison.

Questioned on 'Voices'

"Weren't you in mental institutions?" Mr. Aidala asked Mr. Burkett.

"Yes, when I was in prison."

"And isn't it true that you hear voices, friendly voices telling you what to do?"

"No."
"Weren't you sent to Matteawan [State Hospital for the Criminally Insane] because you heard voices?"

"Yes, I was sent to Matteawan, but that was after they put me in the box at Auburn because I kept wanting the transfer," the witness said, referring to his stay in an isolation cell.

"And Mattewan sent me right back," he added.

"Isn't it true you are a paranoid?" the prosecutor shouted.

Mr. Kunstler objected, and State Supreme Court Justice Gilbert H. King sustained the objection.

At the conclusion of today's testimony, Mr. Kunstler announced he was resting his case.

Ramsey Clark, who is representing the other defendant, Charles Joseph Parnasilice, also rested his case. Mr. Clark had not presented any witnesses or questioned any of those called by Mr. Kunstler.

Justice King said that summations would begin on Monday.