

LEGAL FEES VOTED FOR ATTICA POLICE

Assembly Backs Repaying Defense Costs of Officers Accused in Prison Riot

By IVER PETERSON
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ALBANY, March 24 — The State Assembly passed a bill today to reimburse \$153,000 in legal fees incurred by state troopers and correction officers investigated for lawlessness in retaking the prison at Attica following the riot there in September 1971.

Most, if not all, of the money would go to the State Police Benevolent Association and the State Correction Officers Benevolent Association, which paid for their members' defense, according to statements made on the floor during one and a half hours of debate, principally by opponents of the measure. A similar bill passed the Senate last year, but died in the Assembly.

The vote was 94 to 35, and the Republican-sponsored measure was given an excellent chance of passing the Senate, where it has yet to reach the floor.

Measure Attacked

Assemblyman Mark A. Siegel, Republican of Manhattan, said in leading an impassioned attack on the measure that the fees that would be paid out under the bill would exceed those allocated by the state in the form of Legal Aid funds for indigent defendants. This point was disputed by the bill's proponents who said the \$153,000, after apportionment among the police defendants by a Supreme Court judge, would not exceed state-financed legal aid to poor defendants.

"So not only is this bill wrong because we are making payments to a private interest," Mr. Siegel said, "not only is it improvident because of the fiscal difficulties of the state, but it is also foolish because we are saying to a state employee that if you do something wrong while on duty we will pay for your defense, and if you're not indigent we will pay more than we would for a poor person."

Marie M. Runyon, Democrat of Manhattan, also argued against the measure. "I've seen some revolting votes in my short time here," she said during the roll call on the measure, "but this is the worst. This is a vote for hypocrisy, injustice and cowardice."

But Ronald A. Stott, Republican of Syracuse and the bill's chief sponsor, argued that the bill was needed to "to give these troopers and these correction officers a chance to defend themselves."

Two grand juries investigating alleged lawlessness in the shootout in which 29 inmates and 10 corrections officers died indicted 62 inmates and one state trooper. They voted "no bill," or no indictment, against four troopers and three prison guards after a lengthy investigation. It is for expenses incurred by the benevolent associations in the defense of these seven men that the bulk of the money approved today by the Assembly would presumably go.

Since then, the Special State Prosecutor for Attica-related crimes has called for the dismissal of all but one of the indictments against the inmates. He did not rule out the possibility of future indictments against troopers or corrections officers, however—a contingency today's Assembly bill would also cover.

Loses Some Liberals

The measure lost some liberal support during the vote after a provision for additional reimbursements to Attica inmate defendants—who had already received special state defense funds several years ago—was dropped after the bill was reported out of the Assembly Ways and Means Committee. The development angered several Assemblymen who charged that it subverted the purpose of the committee system.

Other actions by the Legislature and state government today include:

STAVISKY BILL

Assemblyman Leonard Stavisky, Democrat of Queens, said he would wait until Monday before deciding whether or not to try to override Governor Carey's veto of his bill to earmark a certain proportion of the city expense budget for the public schools.

He said he was engaged in talks with the Governor and with Mayor Beame and would await "any suggestions" they would make to make the bill more palatable to the city and the state.

NEW COUNCIL

Governor Carey created by executive order the State Advisory Council on the Handicapped, headed by his health advisor, Kevin Cahill. The other members are most of the state's commissioners and agency heads. The new council is supposed to "coordinate a comprehensive and effective state policy" to ensure maximum independence for handicapped individuals, Mr. Carey said.

SPECIAL ELECTION

Mr. Carey set April 27 as the date for a special election to fill an Assembly vacancy in the 36th Assembly District in Queens. The incumbent, Anthony V. Gazzara, resigned after winning a special election to a vacant Senate seat.