

GOVERNOR PARDONS 7 TO 'CLOSE THE BOOK' ON ATTICA EPISODE

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HE SEEKS TO CORRECT 'WRONGS'

Term of Eighth Ex-Inmate Involved in Uprising Is Commuted—Move Against Troopers Barred

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By TOM GOLDSTEIN

Governor Carey moved yesterday to "firmly and finally close the book" on the 1971 prison uprising at Attica as he pardoned seven former Attica inmates and commuted the sentence of an eighth who participated in the riot.

At the same time, the Governor said that no disciplinary action would be taken against 20 of the state troopers and

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prison guards who had taken part in the bloody retaking of the upstate prison during which 39 men, including 10 hostages, were killed. Altogether, there were 43 fatalities during the episode.

Yesterday's unexpected action by Governor Carey meant that none of the seven convicted inmates who are not now in prison as a result of crimes relating to the 1971 uprising will face incarceration.

Parole Possible 17 Years Early

The eighth inmate, John Hill, has been serving a 20-year-to-life sentence as a result of his conviction in April 1974 of killing William Quinn, a prison guard, in the early days of the riot. Mr. Hill's sentence was commuted, making him eligible for parole next month—17 years before his minimum period of imprisonment would have expired.

The Governor said that after reviewing all the material relating to the uprising and subsequent prosecution of inmates, he had come "to the most distressing, indeed the most disappointing moment in my tenure as Governor of this state."

"For I now must conclude that the conduct of this investigation and prosecution has been such that we now confront the real possibility that the law itself may well fall into disrespect," he said. "Hence, I have concluded that, as Governor, I have the final responsibility to bring this tragic affair to a conclusion which, however unsatisfactory, will foster respect for our system of justice as one capable of recognizing and correcting its wrongs."

62 Named in Indictments

Attorneys' fees were named in indictments stemming from the four-day prison uprising. One correction officer was indicted. Two inmates were convicted at trials, and six other defendants entered pleas of guilty to less serious crimes than those with which they had originally been charged.

All but one of the remaining indictments—that of an inmate who is still a fugitive—have already been dismissed.

Mr. Hill, who had been in Attica on a parole violation charge, is serving his sentence at Greenhaven Correctional Facility. When informed yesterday by William Kunstler, one of his lawyers, of the Governor's action, Mr. Hill, who is a Mohawk Indian, said:

"The only thing that got me through has been deep faith in the religion of my people and my concern for all the wrongs committed against them and other oppressed people."

Mr. Kunstler described Mr. Hill as "flabbergasted" by the news.

The granting of clemency to Mr. Hill was highly unusual since an appeal of his conviction is now pending before an appellate court in Rochester. In addition, the granting of clemency went against a recommendation earlier this year of a

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special Attica prosecutor appointed by Governor Carey.

Last April, two months after he asked that all but one of the then remaining indictments stemming from the uprising be dismissed, Alfred J. Scotti the special prosecutor, recommended pardons for "some" of the inmates who had been convicted of crimes. Mr. Hill was not on the list.

Also in April, Mr. Scotti said that he considered disciplinary action "warranted" against more than a dozen state troopers and prison guards for their conduct during the retaking of the prison.

In his statement yesterday, Governor Carey said that he had accepted recommendations of William Connelie, the superintendent of state police, and Benjamin Ward, commissioner of the department of correctional services, that no disciplinary action be taken.

Scotti Declines Comment

Mr. Carey said that failure to plan properly the retaking, failure to plan properly for the collection and preservation of evidence, and failure to budget and administer properly the investigation of the uprising "have effectively precluded the possibility now of bringing to justice, by trial or disciplinary action, any armed personnel who were misdirected or abused their authority in the retaking of the facility and rehousing the inmates."

Immediately after the retaking on Sept. 13, 1971, Vice President Rockefeller, who



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John B. Hill

was then Governor of the state, praised the state police for their behavior. The Vice President was at his ranch in Venezuela yesterday and not available for comment on Governor Carey's action.

The heads of the unions that represent state troopers and prison guards also were not available for comment yesterday. Mr. Scotti, who is now a special prosecutor in Suffolk County, declined to comment on Governor Carey's action.

Mr. Scotti was appointed special Attica prosecutor on Dec. 16, 1975, upon the recommendation of Bernard S. Meyer, a former state Supreme Court justice who had been appointed by the Governor the previous April to investigate the course of the Attica prosecution.