

FOLD AD

ROCKEFELLER GIVES ATTICA DEFENSE

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Spars With Senator Byrd at Hearings on the Extent of Family's Economic Sway NYTimes

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WASHINGTON, Sept. 24—In his second day before the Senate Rules Committee, Vice President-designate Nelson A. Rockefeller defended today his role in the Attica, N.Y., prison revolt in 1971 and explained his views on subjects ranging from school prayer to mass transit.

After yesterday's financial disclosures, there was a distinct air of anticlimax in the Senate Caucus Room as the hearings resumed. But it quickly became more dramatic as Mr. Rockefeller and Senator Robert C. Byrd, Democrat of West Virginia, had the first of two tense adversary dialogues: One involving the Rockefeller family's economic power and the other concerning President Ford's agreement on the disposition of the Nixon tapes.

After their second colloquy, toward the end of the day's session, Mr. Byrd said: "With all due respect, and I am a great admirer of yours, you're about the hardest man to pin down I've ever seen!"

Mr. Rockefeller replied: "You've got an ability to put someone on the spot beyond what I've ever seen!"

No Bar to Approval Seen

After the hearing recessed at 4:40 P.M., however, Mr. Byrd said that he agreed with the committee's chairman, Senator Howard W. Cannon, Democrat of Nevada, that nothing had emerged thus far that would be a barrier to Mr. Rockefeller's confirmation. Mr. Cannon also said that the committee was unlikely to vote on the matter until after it received the results of an audit of Mr. Rockefeller's taxes by the staff of the Joint Committee on Internal Revenue Taxation, which are expected early next month.

As the session started at 10 A.M., Mr. Byrd returned to the

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abiding preoccupation of the committee's previous day of hearings, the nature and extent of the Rockefeller family's economic power. "You may view it as a myth," Mr. Byrd said, "I don't. Neither do I view it as an evil."

Mr. Rockefeller's wealth, he said, is "far greater" than that of previous occupants of high offices such as President Franklin D. Roosevelt. The combination of wealth and political power that a Rockefeller Vice-Presidency would mean, Mr. Byrd said, "may be greater than the component parts."

He went on to muse aloud about whether or not Mr. Rockefeller would be able to "perceive the national interest against the background of your own wealth."

Mr. Rockefeller said that he still believed the concept of a vast Rockefeller empire was a myth, and Mr. Byrd interrupted to say: "But can't we ever agree the influence is tremendous—tremendous, colossal influence."

"Can't I add the word, 'potential'?" Mr. Rockefeller asked.

"Very well," Mr. Byrd said.

The opportunity for Mr. Rockefeller to tell his version of the Attica story was supplied by Senator Robert P. Griffin, a Michigan Republican, who asked the 66-year-old former New York Governor to recount the episode and his role in it.

Mr. Rockefeller, calling the death of 43 persons in a state police assault on the embattled prison "a great tragedy," said that he had acted only after the situation had "deteriorated" beyond hope of resolution.

"I do not believe in negotiating with people who are holding hostages on threat of death," he said.

The gun battle during which the hostages and prisoners were killed took place, he said, after the prisoners had seized a young state police lieutenant who was leading his men. The state police, he said, had been instructed "not to use weapons unless it was to defend one of their own."

Questions on Transit

Senator Mark O. Hatfield, Republican of Oregon, asked Mr. Rockefeller if he favored the use of highway trust funds for mass transit. Senator Harrison A. Williams Jr., Democrat of New Jersey, asked if he approved the idea of using Federal funds for operating subsidies to hold down mass-transit fares. Mr. Rockefeller indicated that he supported both measures.

Senator Cannon also returned to a topic discussed yesterday on the opening day of the hearings, Mr. Rockefeller's lobbying on behalf of the Grumman Aerospace Corporation for renegotiation of a Navy aircraft contract. He placed in the record several memorandums

documenting Mr. Rockefeller's role including a telephone call to then President Nixon.

Although he questioned Mr. Rockefeller closely as to whether this was "a proper use of the political process," Mr. Cannon ultimately conceded that Grumman did not get the contract, "so maybe the system does work."

"Or maybe," Mr. Rockefeller said with a grin, "I was not as effective as someone else."

As all the Senators did throughout the approximately four hours of questioning today, Mr. Cannon skipped from one subject to another, moving from Grumman to President Ford's pardon of Mr. Nixon.

Mr. Rockefeller said, "The President accepted a pardon, which in my opinion was tantamount to admitting guilt."

The Nevada Democrat went on to ask about Mr. Rockefeller's 1970 commutation of the sentence of L. Judson Morhouse, the former New York state Republican chairman who was convicted of bribery and taking unlawful fees. Mr. Morhouse had been instrumental in winning the party's 1958 governorship nomination for Mr. Rockefeller.

Mr. Rockefeller said that he

because of his health. He said had pardoned Mr. Morhouse that that Mr. Morhouse had cancer of the colon and another disease that he could not immediately remember, remarking, I can't think of it. All I can think about is phlebitis," the ailment from which former President Nixon suffers. He then recalled that Mr. Morhouse also suffered from Parkinson's disease.

"He is still well and alive," Mr. Cannon said.

"He is not well, he is alive under intensive care," Mr. Rockefeller said. An acquaint-

ance who has visited Mr. Morhouse within the last month said that he was hoarse and obviously feeble, but not confined to bed.

After the lunch break, as he waited for the sessions to resume while the Senators were delayed by a vote, Mr. Rockefeller chatted with reporters. He answered some questions, dodged others and displayed a good-luck charm given him by his brother, David, some 30 years ago. It is a green, fossil-stone Hopi Indian turtle with tiny turquoise eyes.

His second verbal duel with

Mr. Byrd grew out of the Senator's desire to have him give a "yes" or "no" answer to the question of whether he approved of the agreement by President Ford, at the time Mr. Nixon was pardoned, that gives the former President the right to dispose of his tapes and documents after a certain number of years. This, Mr. Byrd said, deprives the American people of the possibility of learning "the truth" about Watergate.

Time and again, Mr. Rockefeller said: "It is difficult for me to know if I don't know the basis. I can't judge the deal till I know all the circumstances. I don't like to make a judgment on which I don't have all the facts. You're asking me to differ with the President on a matter about which I don't have all the facts. It would be ill-befitting of me to do that at this time."

Mr. Byrd retorted: "We're not sitting as a school board," and told Mr. Rockefeller that if he was seeing election in the usual way, "You'd have to showdown on this question." But eventually, many questions-and-answers later, after Mr. Rockefeller said only that he would agree totally, "in prin-

ple," with Mr. Byrd's view of the agreement, the Senator conceded defeat.

Other topics touched on, usually briefly, included forced busing to achieve racial balance; school prayer; wiretapping; the interest Mr. Rockefeller pays on his loans from the Chase Manhattan Bank, the nation's bicentennial and the construction industry.

The committee expects to finish its questioning of Mr. Rockefeller tomorrow. He will be followed by Congressional witnesses and, on Thursday, by "public" witnesses, as yet unidentified.