

9 HOSTAGERS AND 28 PRISONERS DIE AS 1,000 STORM PRISON IN ATTICA; 28 RESCUED, SCORES ARE INJURED

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'LIKE A WAR ZONE'

Air and Ground Attack Follow Refusal of Convicts to Yield

NYTimes

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Special to the New York Times

ATTICA, N. Y., Sept. 13— The rebellion at the Attica Correctional Facility ended this morning in a bloody clash and mass deaths that five days of taut negotiations had sought to avert.

Thirty-seven men — 9 hostages and 28 prisoners — were killed as 1,000 state troopers, sheriff's deputies and prison guards stormed the prison under a low-flying pall of tear

Text of Oswald's statement is printed on Page 28.

gas dropped by helicopters. They retook from inmates the cellblocks they had captured last Thursday.

In this worst of American prison tragedies, several of the hostages — prison guards and civilian workers — died when convicts slashed their throats with knives. Others were stabbed and beaten with clubs and lengths of pipe.

Most of the prisoners killed in the assault fell under the thick hail of rifle and shotgun fire laid down by the invading troopers.

One Hostage Mutilated

Late today a deputy director of correction, Walter Dunbar, said that two of the hostages had been killed "before today" and that one had been stabbed and emasculated.

Of the remaining seven, five were killed instantly by the inmates and two died in the prison hospital.

Mr. Dunbar said that in addition to the 28 dead inmates, eight other convicts of the total of 2,237 were missing. Two of the dead prisoners, he said, were killed "by their own colleagues and lay in a large pool of blood in a fourth-tier cell-block."

He said he considered the state's recapture of the prison an "efficient, affirmative police action."

Doctor Fears More Deaths

A volunteer doctor who worked among the wounded after the assault said the prison's interior was "like a war zone." Standing in front of the prison in a blood-stained white coat, he said that many more of the wounded "are likely to die."

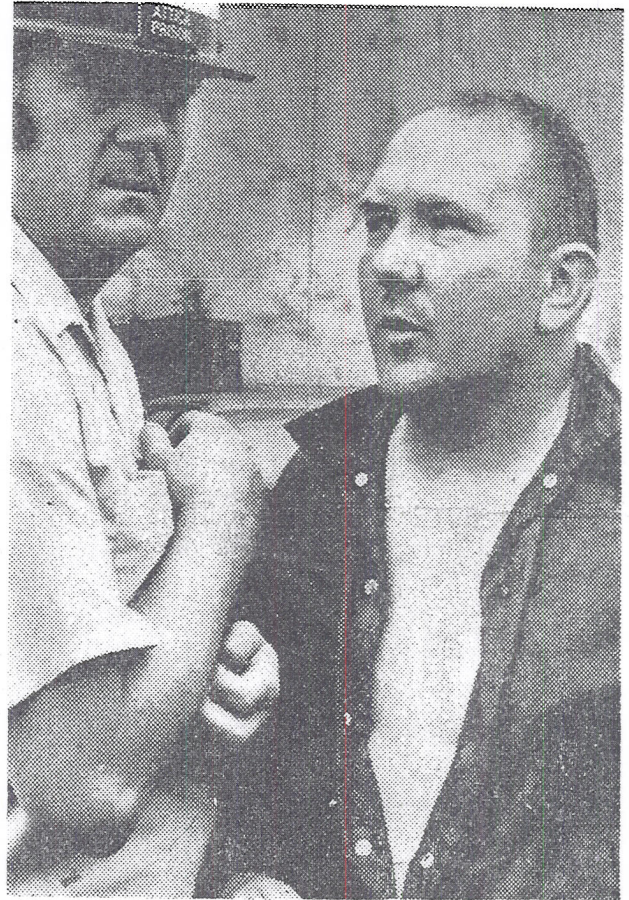
Most of the 28 hostages rescued by the invaders and scores of prisoners were treated for wounds and the effects of tear gas dropped into the prison before the assault.

The recapture of the maximum-security prison was hampered by trenches dug by the convicts filled with burning gasoline and ignited in cell-block corridors; by electrically wired prison bars separating detention areas; by homemade bombs and booby traps hidden in underground tunnels and conduits; by barricades and by salvos of molotov cocktails and bursts from captured tear-gas guns.



United Press International

Elmer Huehn, released hostage, being greeted by his wife



Associated Press

Guard, who had been held, still dazed after being released



Associated Press

Relatives of hostages in Attica prison after being told that at least 15 of the men being held had been set free

The attack began before 10 o'clock and ended four hours later as troopers fought hand to hand with stubborn knots of prisoners in the escond tier of cellblock D, the portion of the prison that the prisoners had completely controlled since the riots on Thursday.

The action was ordered with "extreme reluctance" by State

Continued on Page 28, Column 2

Continued From Page 1, Col. 8

Correction Commissioner Russell G. Oswald after consultation with Governor Rockefeller. It followed an ultimatum to the more than 100 rebellious prisoners that they release the 38 hostages they held and return to their cells.

The ultimatum was answered, Mr. Oswald said, when the prisoners "callously herded eight hostages within our view with weapons at their throats."

"The armed rebellion of the type we have faced threatens the destruction of our free society," Mr. Oswald declared. "Further delay and negotiations would have jeopardized more lives."

Members of a citizens' observers committee, which had been called to Attica by the state at the request of the inmates, were locked in an Administration Building office inside the prison walls during the assault. Those who cared to speak expressed deep regret that no way had been found to avert the killings.

Kuntsler Is Bitter

William M. Kuntsler, civil rights lawyer and one of a group of 10 persons who negotiated with the prisoners and acted as agents for Commissioner Oswald, was most bitter.

"A bloody mistake," he said, "this will go down in history as a bloody mistake. They sold the lives far too cheaply. I guess they always do."

The prison uprising begun last Thursday when the convicts seized 32 guards and then, through a makeshift megaphone in the yard of cellblock D, issued a list of demands.

The prisoners set fires, broke windows and shredded fire hoses. Twice on that first day, Commissioner Oswald met with the inmates and attempted to negotiate the demands.

The demands included "complete amnesty" and freedom from "physical, mental and legal reprisals," "speedy and safe transportation out of confinement to a nonimperialistic country" and "true" religious freedom.

The uprising was viewed as the result of tension that had been building up in Attica for some time. In addition to the customary complaints, about services, there were the added ingredients of a predominantly black body of prisoners being controlled by an armed white force and of the increasing political and radical awareness of the black prisoners that often infuriated the guards.

The assault on the prison followed five days of negotiation in which the convicts won agreements to 28 demands for social, administrative and legal reforms but stubbornly held out for complete amnesty from criminal prosecution and the ouster of the prison superintendent, Vincent R. Mancusi.

The latter two issues were flatly turned down by Mr. Oswald as nonnegotiable, and the amnesty demand was rejected Sunday by Governor Rockefeller as being beyond his constitutional authority.

This rejection came a day after the death of a guard, William Quinn, who was reported injured by the prisoners early in the revolt. He was one of 12 guards who had been hospitalized from injuries during the early rioting.

The action began at 9:46 A.M. with two National Guard CH-34 helicopters dropping canisters of tear gas into cellblock D, in the northeast corner of the 55-acre prison compound.

The 500-man contingent of state troopers had received orders to form up outside the prison walls by 6 A.M. Two hundred more troopers were transported into Attica, and 50 National Guard vans with about 600 troops drove through the night and arrived here before dawn. A dense rain began falling as day broke.

Armed Deputies Arrive

Sheriff's deputies from this Wyoming County and 14 other surrounding counties poured in in their own automobiles, carrying 30-30 deer rifles, pistols, surplus Army carbines and

shotguns. All received riot helmets, yellow and orange rain slickers and gas masks and were sent through the main gate of the prison to a vast grassy lawn that lies between the gate and the compound proper.

There they were formed into makeshift companies under the direction of Capt. Henry Williams, chief of the local office of the State Bureau of Criminal Investigation.

Tear-gas canisters were loaded into the two helicopters. Troopers armed with high-powered rifles equipped with sniperscopes were sent up to the guard towers atop the walls of the prison. Squads of troopers, deputies and guards, armed with tear-gas guns, were driven to points around the prison's perimeter.

By 8 o'clock the assault force was virtually in position. Even then members of the committee of observers began to filter into the prison. State Senator Robert Garcia, Democrat of the Bronx; Tom Wicker, columnist for The New York Times, and Louis Steel of the National Lawyers Guild were permitted in.

By the time Mr. Kuntsler arrived, the assault force was at the ready, and he was barred from the gate. Fifteen more of the observers had spent the night inside Attica Prison.

At 8:30 an aide to Mr. Oswald, Gerald Houlihan, stepped outside into the rain and announced that the Commissioner had sent a memo to one of the leaders of the rebellious inmates, Richard Clark. Clark told him, Mr. Houlihan said, that the memorandum would be referred to the "peoples central committee" in the yard of cellblock D.

The memo, which in reality was the only ultimatum delivered by authorities during the days of tense negotiation, had gone through the bars to Clark at 7:46. It read:

"For four days I have been using every resource available to me to settle peacefully the tragic situation here at Attica.

"We have met with you. We have granted you your requests

for food, clothing, bedding and water; for medical aid; for a Federal court order against administrative reprisals. We have worked with the special citizens committee which you requested. We have acceded to 28 major demands which you have made and which the citizens committee has recommended.

"In spite of these efforts you continue to hold hostages.

"I am anxious to achieve a peaceful resolution of the situation which now prevails here.

"I urgently request you to seriously reconsider my earlier appeal that:

"1. All hostages be released immediately unharmed, and

"2. You join with me in restoring order to the facility.

"I must have your reply to this urgent appeal within the hour.

"I hope and pray your answer will be affirmative."

It was signed by Mr. Oswald.

Deadline Is Set

The deadline for answering was set for 8:46 A.M. At that time the prisoners asked for more time to consider. Mr. Oswald gave them until 9 o'clock.

Clark walked back down a corridor that separated the Commissioner from the barricaded prisoners. Several minutes later the eight hostages with knives at their throats were paraded before Commissioner Oswald. But even as this final strain of negotiation took place, the last preparations for the assault were made.

At 8:37 A.M. grappling hooks had been brought in. The two National Guard helicopters and two state police choppers equipped with public-address sound systems warmed up.

At 8:55 a van loaded with riot helmets was backed up to the main gate, and at 9 o'clock the state police helicopters took off. The observer helicopter circled the prison yard in ever tightening circles.

Troopers and deputies atop the prison walls and on the roofs of buildings that surrounded four cellblocks began

relaying information by walkie-talkie back to the command post set up in the superintendent's office.

8 Hostages Threatened

As the observer helicopter circled above the yard of D block, the eight prisoners who had been shown to Mr. Oswald were dropped into a pit filled with gasoline. Then they were taken out and dragged to a trench full of gasoline, where their feet were thrown in and their bodies were bent backwards, so that their throats were exposed to the sky. Prisoners stood over them with knives.

At 9:30 A.M. the helicopter pilots spoke to one another. "There's a 200-foot ceiling," one said. "The low stuff is coming in from the west. It'll be about 100 feet."

At 9:42 Captain Williams's voice came over the short-wave radio: "All forces in position."

At 9:43 he ordered all power in the prison cut off. Only lights powered by portable generators remained on.

At 9:44 he ordered high-powered water hoses connected. At the same time an order was sent out for all available county ambulances to come to the truck gate of the prison, opposite the captured cellblocks.

At 9:45 Captain Williams ordered: "Zero in on targets. Do not take action until the drop."

A voice answered: "The drop has been made. Jackpot One has made the drop." This indicated that CS gas was flooding the yard of cellblock D.

At 9:46 Captain Williams shouted: "Move in. Move in. The drop has been made."

Hostages' Relatives Wait

Gas seeping over the 30-foot-high walls caused those standing outside to weep. Also standing by, silently huddled in the rain, were the relatives of the hostages, most of whom had stood vigil since Thursday night. Some sobbed openly in parked cars.

Troopers were deployed in front of the gate, and nobody

was allowed even to walk across a street.

At 9:52 a voice came over the radio: "Cease fire. Cease fire. Easy. Do not overextend your positions."

A call came at 9:45: "A rescue unit in the center of the yard. Expedite. Expedite. I've got an officer down."

"What yard?"

"D yard. Expedite the medical assistance, will you."

At 9:55: "The cease-fire only applies to the helicopter."

The observer helicopter circled the yard. Coming from its sound system continually was this message: "Place your hands on top of your heads and move to the outside of B and D blocks. Do not harm the hostages. Surrender peacefully. Sit or lie down. You will not be harmed. Repeat, you will not be harmed."

But by this time the hostages were dead.

At 9:57 a call came: "I need a stretcher, for God's sake a stretcher."

A minute later: "Clear the door in D yard. They're trying to get out. Jam that door up. Jam it up."

At 10 o'clock: "force them into B yard".

One minute later Captain Williams voice came on: "Anything that's interfering with the hering of the prisoners, clear it away. You need more assistance in the yard?"

"Yeah, in D, where the negotiations were going on."

"Should I commit the reserve to join you in the yard?"

"Send in help, I need help to clean up that tent-city area."

At 10:16 the helicopters were ordered down: Ground your birds. Jus be ready. Stand by for evacuations."

*At 10:22 snipers on the guard towers began firing into the yard.

Commissioner Oswald came out of the front gate at 10:25. He was trembling but in control of himself. As he spoke the pops of tear-gas guns and the sharper cracks of rifle shots could be heard over the wall.

"Everything Human by Possible"

"For the past four days," he said, "I have been doing everything humanly possible to bring this tragic situation to a peaceful conclusion."

He repeated the chronology of negotiations and the concessions he had made and said: "In spite of all these efforts, the inmates have steadfastly refused to release the hostages."

He said that tensions had run high when it was learned that a guard, William Quinn who had been a hostage died Saturday night of injuries suffered after he was reportedly thrown from a cell block window. He said that one inmate had stabbed another during the night.

Another observer reported that last night Mr. Kunstler had told the inmates that "third-world nations" were across the street from the prison "ready to help you—are you ready to go?" There were shouts of "yeah," the observer said.*

"They continued to make weapons," Mr. Oswald said, "spread gasoline, make booby traps and electrical traps. I extended the deadline. They asked for more time. This was only a delaying tactic."

He then described the prisoners with knives at the throats of hostages.

"We hope to protect the lives of the hostages if possible," the Commissioner said. "I pray to God that this works out to the best interests of all of us."

'We Got 30 Out'

Even as he talked, Captain Williams's voice continued to bark over the radio: "There's 30 out. We got 30 out."

At 10:35 the order was given: "Get as many pictures of these homicides as possible. Take them to the morgue in the Maintenance Building."

But some of the hostages were alive. A raincoated guard at the main entrance began shouting names to the relatives huddled in the rain.

"They're out," he yelled. He shouted nine names. Several women cried. Two of them embraced each other.

* SEE CLINES