

# Congressional Committee Also Plans Investigation

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ATTICA, N. Y., Sept. 15—Governor Rockefeller designated Deputy Attorney General Robert E. Fischer today to conduct a broad investigation into events before, during and after the rebellion in the Attica Correctional Facility.

This new inquiry will take the place of two investigations that had already been started by the State Commissioner of Correction and the local District Attorney.

The Governor's move came as a Congressional investigation of the events at Attica was announced in Washington. The Federal inquiry will be headed by Representative Claude Pepper, Democrat of Florida, who

said that he and three members of the House Select Committee on Crime would fly to Attica on Friday and would discuss the revolt with the Governor in New York City.

The investigations were announced on a day when the following other developments took place:

¶The Department of Correction requested that the assistant medical examiner of New York City and the Medical Examiner of Westchester County restudy the autopsy reports made yesterday on the bodies of hostages and inmates who were killed in Attica.

¶The funerals of two hos-

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tages were held here and in nearby Batavia, attracting many correction officers from all over the state.

¶Some of the state troopers who took part in Monday's attack began leaving local motels as outward calm returned to Attica.

## Fischer an Observer

Mr. Rockefeller's choice to head the investigation has been an observer in the prison for the last two days. Mr. Fischer is chief of the Statewide Task Force Against Organized Crime.

Louis James, the Wyoming County District Attorney, who normally has jurisdiction over Attica, "requested" state intervention, a spokesman for Mr. Fischer said.

The Department of Correction said it had requested Dr. Michael Baden, assistant medical examiner of New York City to make the restudy of the autopsy reports on the bodies of guards, civilian employes and inmates killed in the prison.

He will be joined by Dr. Henry Siegel, Westchester's medical examiner.

Yesterday in Rochester, the Monroe County Medical Examiner, Dr. John Edland, said that nine hostages, earlier reported by correction authorities to have been killed by convicts armed with knives, were actually killed by gunshots.

Deputy Correction Commissioner Wim van Eekeren said that the two experts were being brought in to conduct second post-mortems on the bodies of eight hostages "to make sure an independent report is made." "They are not doing it to contradict the findings of the Monroe County Medical Examiner," Mr. van Eekeren said.

The state's active intervention came as Commissioner of Correction Russell G. Oswald continued to decline comment on the questions that remained unanswered in the wake of the worst violence in American prison history, and on the many contradictions that exist-

ed in official versions of what happened within the prison walls.

And the intervention came as the Governor announced plans to meet with legislative leaders in Albany tomorrow in an effort to consolidate the many investigations of the rebellion that have been called for; and as Senator John D. Dunne, Republican of Garden City, L. I., chairman of the State Senate Committee on Crime and Correction, announced that he would hold public hearings into the uprising and its aftermath.

## Pepper Explains Inquiry

Representative Pepper said his investigation would be part of a broader inquiry into Federal and state prison systems across the nation. He disclosed that on Sept. 3, two California members of his committee had visited San Quentin in California and talked with Governor Ronald Reagan in connection with the Aug. 22 killings at that prison. George Jackson was one of those killed.

Mr. Pepper said that those members of his committee accompanying him to Attica would be Representatives Charles B. Rangel, Manhattan Democrat; Sam Steiger, Arizona Republican, and Frank J. Bracco, Brooklyn Democrat.

The Florida Democrat said that his group had been assured the full cooperation of New York State officials and that the visit would be followed up later by public hearings that could result in new Federal legislation.

Mr. Pepper's announcement appeared to be a partial response to separate calls earlier in the day by the American Civil Liberties Union and the Congressional Black Caucus for a Congressional investigation of the Attica rebellion and subsequent events.

A Congressional aide close to the 12-member Black Caucus said that group was especially pleased that Representative Rangel, secretary of the caucus, would be among the investigators.

And Aryeh Neier, A.C.L.U. executive director, said, "We're delighted to hear about the Congressional investigation. It's extremely important that there be public hearings and it's extremely important to have someone get inside the prison since we can't."

An aide to Representative Pepper said the Congressional delegation would go to Attica early Friday afternoon. He said the Congressman had said the group would stay at the prison talking to inmates, guards and others concerned "for as long as necessary" perhaps the whole weekend.

Mr. Oswald, in a statement, took note of the pending inquiry. He said that a planned question-and-answer session with reporters had been canceled because, "In view of this development it would be inappropriate for me to comment specifically on matters now under investigation."

This followed a statement by Gerald Houlihan, an aide to Mr. Oswald, that initial reports that nine hostages killed inside the prison had died from throat slashing and other atrocities had not been "meant to be a factual account as to the cause of death."

Mr. Oswald also refused to answer questions submitted in writing by The New York Times. The Governor also declined to answer these questions. He said through a spokesman that questions should be put to Commissioner Oswald since they involved matters at Attica.

Mr. Fischer declined to elaborate on his investigation. An assistant, Emerson Moran, said that all release of information "must . . . respect the legal rights of prospective defendants in the release of information."

"Our office will therefore be bounded by the rules of 'free press, fair trial' in any further dissemination" of information, he said.

Michael Whiteman, a state counsel working with Mr. Fischer, said Mr. Fischer was ready to answer questions, but

attempts to reach Mr. Fischer inside the prison were fruitless.

Later, Mr. Fisher appeared before the Attica prison main gate to announce that he would release information in an "orderly" manner and that he hoped the first disclosures would come tomorrow.

Among the questions submitted by The New York Times were the following:

¶Who is the source of initial reports of throat slashings and other atrocities?

¶Were there any observers other than prison officials and state police?

¶Throughout the negotiations it was maintained repeatedly that the convicts had no guns. Were any firearms found?

¶Weighing all the currently available information, who shot the hostages?

¶Do you believe that you were deliberately misinformed?

Mr. Houlihan and Mr. Oswald's deputy, Walter Dunbar, both said after Monday's battle that the throats of hostages had been slashed, that one hostage had been castrated, and that other "atrocities" had been committed by inmates holding guards.

#### Photographs Are Available

However, Dr. Edland reported after his autopsies that no hostages had been killed by having their throats cut. Today Dr. Edland said he had color photographs of the heads and necks of each of the eight hostages on whom he had performed post-mortems.

"I invite any officials of the State Correction Department who still believe throats were slashed to come to my office to view them," he said.

He welcomed the help of Dr. Baden and said, "I hope he'll confirm" his findings. But Dr. Edland added, "It doesn't take a medical degree to tell if someone's genitals are lacerated."

He said that there were "no genital wounds" on any of the hostages.

Last night, Mr. Oswald confirmed that no hostages had

suffered fatal throat slashings and that the hostages had died from gunfire.

Of the 40 autopsies done thus far on the 42 men who died in Attica, no evidence of mutilation has been reported. Only two of the dead had died from throat cuts and they were prisoners, according to Dr. Edland. Two hostages, one still hospitalized and one released, have cuts on their necks.

#### Prison Doctor Deputized

Dr. M. A. Bissell is one of four Wyoming County coroners who usually certify deaths that occur in the prison. He was not called on Monday after the assault, he said today.

Instead, Paul Slusarczyk of nearby Perry was called, who in turn deputized Dr. Paul Sternberg, the prison doctor, as his coroner's physician. Mr. Slusarczyk said that he and Dr. Sternberg certified the deaths of 32 people, "We could not tell who was who."

Thus, the question remains as to who gave the initial reports of the slashed throats and why.

Much of the conflict and confusion surrounding the events of Monday's assault remain. Those present Monday morning included inmates, who have been inaccessible to reporters; prison officials and state troopers, who have refused to discuss details of the assault; and hostages, who knew almost nothing of the attack since they were blindfolded.

#### Accounts Are Sketchy

"Let me explain something to you," said Frank Kline, a guard with 30 years' experience whose throat was slashed during the assault. "We were all blindfolded—Keep your mouths shut; if you open your mouth you'll be killed" — you didn't know what was going on."

The accounts of what happened within the prison during the assault are sketchy because events occurred simultaneously at various locations, because accounts given under stress by invading coopers and guards

lacked the perspective of time and distance.

Thus far, except for the accounts pieced together from police communications broadcast during the assault, there has been no coherent account of what happened.

Videotape pictures were taken of the assault and the aftermath, as were still pictures. The videotape was shot by the State Police Bureau of Criminal Investigation and is not being released. Some still photographs also shot by B.C.I. are similarly not being released.

Mr. Oswald did not say last night that he had been disinformed, but attributed the misstatement to poor communications as a result of stress and tension accompanying the assault.

Senator Dunne said that "in light of the information that had been previously given to me, I was surprised by the coroner's report."

"I had observed the dead hostages and there was evidence of blood. I didn't see the actual cuts, but there were bloody bandages at the throat area," he said.

#### Sources Not Identified

Senator Dunne said, "There was nothing to lead me to doubt previous reports." Mr. Dunne recalled that one prisoner had been identified to him as the man who had emasculated a guard.

That particular guard, according to hospital authorities, suffered gunshot wounds of the abdomen. They said he had no stab wounds and had not been emasculated.

Senator Dunn was asked who had told him that the inmates had castrated the officer, but he said he did not know. "There was a whole bunch of correction officers around," he said.

Mr. Houlihan said that correction officers were "sifting through" the names of rebellion ringleaders. Asked if they were being placed in "special housing," new prison terminology for solitary confinement, he said, "we're using all facilities."