

GOVERNOR DEFENDS ORDER TO QUELL ATTICA UPRISING; APPOINTS CHIEF OF INQUIRY



The New York Times

Governor Rockefeller discussing Attica assault yesterday

'NO ALTERNATIVE'

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Rockefeller Also Tells Why He Refused to Talk to Prisoners

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By WILLIAM E. FARRELL

Governor Rockefeller yesterday strongly defended the storming of the Attica Correctional Facility on Monday to quell a prisoner revolt and said he was right in refusing to visit the prison personally at the request of a committee seeking a nonviolent solution to the uprising.

Nine guards and civilian employees and 32 prisoners lost their lives in the state's air and ground assault on the prison, and one guard died as a result of injuries suffered in the rebellion. The revolt by 1,000

prisoners started last Thursday, and for five days, while they held 38 guards and civilian prison workers as hostages, the convicts refused to surrender.

"I have done my best to represent the responsibilities that I hold under the Constitution of the State and my oath of office," Governor Rockefeller said at a press conference held at the request of newsmen gathered in his office at 22 West 55th Street.

'My Best Judgment'

"I used my best judgment," he went on, adding that the final determination of the correctness of his action would come when the state's investigation of the prison uprising was completed.

At another point he asserted: "There was no alternative but to go in."

Dressed in a gray, pin-striped suit, his face serious, his voice almost flat, the Governor was speaking at his first meeting with the news media since the tragedy at Attica. He strongly affirmed the decision of the State Commissioner of Correction, Russel G. Oswald, to send armed troopers into the prison.

Against a backdrop of controversial developments—such as the disclosure that nine hostages had died of bullet wounds rather than knife attacks from convicts, as had first been reported—Mr. Rockefeller was asked if he still felt the decision to storm the prison had been sound.

"On the basis of the evidence so far, I certainly do," he replied.

'A Scene of Chaos'

He was asked: "Is it possible that state troopers, by mistake, killed hostages?"

"I would say it was possible," he answered, adding that he would not use the word "mistake."

The Governor continued:

"If you re-create the circum-

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stances of that situation—where the troopers had instructions to shoot the executioners who had been assigned to each one of the prisoners [a reference to convicts menacing hostage guards] and who were standing there with a knife at his throat—then you add to that the helicopter coming in with the [tear] gas, and the effect of the gas—which first creates a cloud and then has an effect on the individual—you have a scene of chaos that is one in which accidents can very well happen.”

The possibility that the hostages may have perished at the hands of troopers in the recapture of the prison adds “to the depth of the tragedy of the whole Attica situation,” the Governor said.

Critics of the Governor’s action in the Attica uprising have said that he should have heeded a plea to go to the prison personally in an effort “to buy time” with the convicts when the negotiations with them for a peaceful settlement were crumbling.

Mr. Rockefeller said he still disagreed with that position. He recalled Commissioner Oswald’s meetings with the rebel prisoners and referred to Mr. Oswald’s acceptance of 28 of their 30 demands.

“Those 28 provisions constituted a complete updating of the prison system, and therefore covered all of the demands relating to the prison itself,” Mr. Rockefeller said.

A demand for complete amnesty from criminal prosecution was out of the question, he repeated, as was a request for “free passage to—as they described it—a nonimperialistic country.”

The inescapable conclusion, he said, was that the prisoners’ demands transcended prison reform and “had political implications beyond the reform of the prison, which it was not possible for us to conform to and at the same time preserve a free society in which people could have any sense of security.”

He said the committee of civilian observers had called upon him to go to Attica out of desperation at the prisoners’ rejection of the 28 concessions.

‘Hardened’ Stand Noted

The prisoners’ stand had hardened not softened,” the Governor said, “so I then said no, I would not come, I didn’t think a useful purpose would be served.”

“I think this whole thing raises a very serious question as to whether someone who has been condemned under the law and sent to jail can use innocent hostages force the release of the criminal,” the Governor said.

“If the Governor has to be the one who negotiates,” he went on, “and if the Governor does, and this can be true all over the country, we then may find ourselves in a position where the next time they say, ‘We won’t negotiate with anyone but the President’—and I think we get into an intolerable situation.”

Upon rejecting the request to go to the prison, the Governor said he had instructed Commissioner Oswald to renegotiate with the prisoners.

“The second meeting,” he said, “instead of giving him an answer, they just lined up eight of the prisoners, bound, blindfolded, with an executioner with a knife at his throat. At that point the decision was made. There was no alternative but to go in.”

The decision to move on the prison with force was the toughest in his 13 years as Governor, Mr. Rockefeller said.

‘Risk Was Tremendous’

“The risk was tremendous,” Mr. Rockefeller said, adding, “Frankly, yes” when asked, “Did you come out better than you thought it might have?”

Asked what he did while the prison was being stormed, the Governor said he listened on the telephone as Robert Douglas, his secretary, counted the number of hostages freed — “now it’s 15, now it’s 16, now it’s 17, now 18.”

“I want to tell you, I just was absolutely overwhelmed,” Mr. Rockefeller said, “I just didn’t see how it was possible—with 1,200 men in there armed, with electrified barricados, with a pledge in which they said that they would all go right down fighting to the last man. . . .”

What did this tell him about the prisoners—“the fact that so many men [28 of the 38 hostages] did emerge unharmed,” he was asked.

The Governor replied: “I think what it tells is that the use of this gas is a fantastic instrument in a situation of this kind.”

Asked about a new report in which a relative of a slain hostage said he had been killed by “a bullet that had the name Rockefeller written on it,” the Governor said:

“I can understand—with the emotional situation that exists, the tremendous pressures that are now in existence as a result of this—that emotional reactions are going to be very sharp.”

Troopers Are Praised

Asked if he thought there was “emotional reaction” on the part of the troopers when they assaulted the prison, the Governor said: “No, I don’t. I think they did a superb job.”

Later in the day a query was made of the Governor’s office about what the state would do in a future prison revolt? Would there be negotiations or an immediate response of force?

William Eckhoff, a spokesman for the office, responded: “It’s impossible to answer the question, because no two situations are precisely alike.”

Praise and criticism of the Governor’s actions during the Attica uprising continued, even as he explained why he did what he did.

The Rev. Ralph Abernathy, president of the Southern Christian Leadership Conference, said in Butler, Ala., that Mr. Rockefeller had made “a terrible and awful mistake” in sanctioning force.

William M. Kunstler, the civil rights lawyer, who was one of the committee members involved in the Attica negotiations, called Mr. Rockefeller “a murderer” and suggested that he resign. “I can’t see the inadequacy of his remaining in office,” the lawyer said.