

# Rockefeller Blames the Deaths on 'Cross-Fire'

## Albany

Governor Nelson A. Rockefeller said yesterday that he believes the nine hostages slain in the Attica prison uprising were killed in "a cross-fire" of troopers' bullets when the decision to take the facility from the control of prisoners was made on Monday.

At a news conference in the capitol, Rockefeller said he does not think "there was any indiscriminate shooting" by the state's assault force but that "I think the hostages who died of gun wounds were caught in a cross-fire."

Rockefeller also announced that five state judges will appoint a citizens' committee that will investigate "the events leading up to, during and following the riot." The committee will be a fact-finding body, the governor said, and will have no jurisdiction over the criminal aspects of the uprising.

The panel will become the third investigative body. Deputy State Attorney General Robert E. Fischer, known as "Super Cop" in police circles, will head the criminal investigation. Appellate Judge Harry Goldman will head a group to guarantee the constitutional rights of the prisoners.

Meanwhile, officials said a

revised death toll for the four-day prison riot now stood at 40, two fewer than previously announced. There was no immediate explanation for the lowering of the count to 30 inmates dead. The non-inmate toll remained at ten, one of them a guard who died earlier during the siege.

Elsewhere a pathologist was quoted as saying that new autopsies confirmed that nine hostages were shot to death when the state forces stormed the prison.

The New York Post quoted Dr. Michael Baden, acting Chief medical examiner of New York City, as saying: "The deaths had been properly reported as shootings."

Baden and Dr. Henry Siegel of Westchester county were called to the prison in an attempt to verify once and for all the cause of the deaths.

Originally, the deaths of the hostages were attributed to inmate executioners, who were said to have slashed the victims' throats with make-shift knives. But local autopsies disproved that, disclosing that the nine deaths were caused by gunfire.

Then on Wednesday, the issue appeared in doubt again. A local undertaker signed a sworn statement that he was

unable to find any visible bullet wound on the body of one of the nine, guard Richard Lewis.

However, Baden and Siegel performed second autopsies.

Regarding the bullet wound on Lewis, Baden was quoted as saying:

"I did a complete re-autopsy on Mr. Lewis and we found it to the satisfaction of everyone."

In giving newsmen his opinion that the hostages who died were caught in a cross-fire, Rockefeller said the invading state police converged on the prisoners from four directions.

Asked if he thought the deaths of the hostages were morally justified, Rockefeller replied: "When you say morally, I certainly do."

There were shots from shotguns, rifles and pistols, the governor said, adding that the prisoners had weapons such as knives and spears but they "didn't have guns."

"They had tear gas guns but not guns," Rockefeller said.

Asked why, if the prisoners had no guns, there was so much gunfire within the prison walls, the governor said the troopers had to overcome barricades on the passageways.

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