

# Attorneys for Attica

## 3 INQUIRY PANELS ALSO AT PRISON

Controversy and Confusion  
Still Surround Revolt  
and Police Assault

SEP 18 1971

NYTimes

By FRANCES X. CLINES

Special to the New York Times

ATTICA, N.Y., Sept. 17 — Lawyers from legal organizations claiming to represent almost 1,000 prisoners were permitted to enter the Attica Correctional Facility today to begin interviewing inmates about their rebellion and the police attack that took the lives of 40 inmates and prison employees.

About 20 lawyers arrived to visit clients, who may face criminal charges arising from the rebellion, but soon discovered that only four interview rooms were available. The lawyers, who had to question clients separately in the rooms, complained that the process was tedious.

Controversy and confusion continued to surround the Attica revolt and police assault today as members of three separate inquiry panels, in addition to the lawyers, moved into the prison to gather information. The investigations were:

¶ A Congressional subcommittee led by Representative Claud Pepper, Democrat of Florida, that arrived in mid-afternoon on Governor Rockefeller's plane.

### Chairmen Announced

¶ A five-man committee named at the Governor's request to safeguard the legal rights of inmates for the next 30 days. The chairmen were announced as Clarence B. Jones, editor and publisher of the Amsterdam News, and Austin H. MacCormick, former New York City Commissioner of Corrections.

¶ A special criminal investigation led by State Deputy Attorney General Robert E. Fischer, who sent a spokesman outside the 30-foot walls to speak with newsmen.

"What I'm telling you is, the amount of confusion is extensive," Mr. Fischer's spokesman, Emerson Moran, declared. He ruled out a score of questions submitted by newsmen, asserting that attempts to reply could prejudice the state's investigation.

He did disclose that state investigators already had interviewed "several hundred people," but he declined to say whether inmates were among them.

The defense attorneys who came here today expressed concern that prisoners were being questioned without benefit of counsel.

They declined to comment on what the prisoners had told them, citing their concern for the safety of the prisoners and the possibility that any statements they made could be prejudicial.

### 'Electric Chair Situation'

"It's a real electric chair situation," Herman Schwartz, a law professor at the State University of Buffalo, said about the attorney's caution. He was alluding to the law that permits capital punishment in cases where prison guards are murdered while on duty.

One of the few guards and civilian employer who died during the rebellion suffered head injuries on the first day of the revolt. The nine others were killed by gunfire, according to autopsies. Governor Rockefeller has attributed this to the cross fire of the state police who subdued the inmates.

The three buses with police escorts left the side gate of the prison late in the afternoon, carrying 150 inmates to Green Haven Prison. This made a total of 367 prisoners shipped out, according to prison authorities, because Cell block D had been wrecked. Officials said earlier that these were "volunteers," rather than suspected rebel leaders, but some of the lawyers here were skeptical.

Correction Commissioner Russell G. Oswald issued a statement on current conditions in which he disputed the Federal Court statement of a National Guardsman who said that inmates were beaten after the police had occupied the institution Monday. Mr. Oswald said that some inmates were "firmly prodded" into cells, but only those who were lagging.

In discussing the scope of the criminal investigation, Mr. Moran was asked "How high up" state investigators would go, since Governor Rockefeller had played a key role in events before, during and after the uprising. In addition, the voice of retired General Almerin C. O'Hara, director of the State Office of General Services, was recognized by newsmen listening Monday to directives crackling over a police radio during the gas and gunfire raid on the prisoners.

Mr. Moran replied that the first task was to reconstruct the events.

"We'll follow wherever it leads," Mr. Moran continued. "I don't know who we're going to end up talking to. I do know we will talk to anyone, anywhere, anytime who has relevant information pertaining to any and all criminal acts."

Mr. Moran said "total authenticity" of information was the state group's first task. Mr. Fischer, who was appointed to his post by the Governor, is using plainclothes members of the State Police Bureau of

PREP 29 JUL 67\*

CLINES, 28 SEP 71



The New York Times

**REFUSED ENTRY AT ATTICA:** Kirkland Taylor, a lawyer with a client inside the prison, being turned away from entrance yesterday by state trooper on guard duty.

Criminal Investigation for his inquiry into the Attica deaths.

Asked whether the state police investigators were looking into possible improprieties by the state police, National Guardsmen or sheriff's deputies involved Monday, Mr. Moran replied:

"We're not investigating any individual. We are investigating the commission of crimes ... We hope to be able to determine the specific nature of the crimes committed; establish, if we can, the responsible parties; establish the nature of criminal charges, if warranted, which should be lodged against those parties."

Would the question of police policy and efficiency be taken up? Mr. Moran said the inquiry's role was that of "criminal responsibility" and that other groups seemed to be forming "almost every day" to look into other phases.

This afternoon, a State Police helicopter landed near the prison wall and two sealed bags, tagged in the manner of court evidence, were delivered to the prison while Mr. Fischer was inside.

A short while later, a black hearse pulled up at the main entrance to the prison. A gray plastic body bag in the back contained the remains of an inmate, identified by the driver

as Alfred Williams, killed in the raid. The driver sought legal papers required for the funeral.

Correction officials released the criminal records of the 30 inmates who died in the uprising and police attack. In the breakdown according to type of convictions, the information sheet listed six men who had been sentenced for murder or attempted murder, four for manslaughter, two for assault, two for arson, one for rape, nine for robbery, and a half dozen for other felonies. Newsmen searching for a pattern in the deaths had requested the information.

#### Health Program Expanded

Mr. Jones, the co-chairman of the panel on inmates' rights, said in response to newsmen's questions that he hoped to visit the chief spokesmen and leaders of the rebellious inmates of cell block D. In addition, he said, he hoped to visit the men in "segregation"—solitary confinement.

An expanded surgical and health care program for the 2,200 inmates at the Attica Correctional Facility was put into effect today by medical teams from the School of Medicine of the State University of New York at Buffalo.