

DUNNE SUPPORTS ATTACK ON ATTICA

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But Senator Says Governor
Should Have Gone There

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By RALPH BLUMENTHAL

State Senator John R. Dunne, who was welcomed by the rebelling Attica prisoners as the leader of the observers' committee to negotiate an end to the uprising there, said yesterday that he saw no alternative to the storming of the prison by the police last Monday that left 30 prisoners and 10 guard hostages dead.

The Senator said he "saw not one ray of hope" of overcoming what he termed the prisoners' "intransigence." Mr. Dunne spoke out earlier for prison reform, while serving as chairman of the Senate Committee on Crime and Correction.

Although he and others had pleaded with Governor Rockefeller to appear at the prison, he said he still considered it a "most crucial mistake" for the Governor to have rejected the appeals.

Senator Dunne said that by Monday the prisoners' positions had hardened to the point where "I don't think there was anything that could be done" except to try to recapture the prison by force.

'We'll Never Know'

Asked in an interview, following his remarks on a television program, whether an appearance by Governor Rockefeller might have averted the need for such an assault, he replied, "We'll never know."

A key indication of a "hardening" of the inmates' position, according to Mr. Dunne, a Nassau Republican, was shown the afternoon before the attack, by "the absolute unwillingness" of the prisoners to discuss anything short of total amnesty in a setting other than Cellblock D, which they held. Correction Commissioner Russell G. Oswald wanted talks on neutral ground.

"No one presented any alternative," Senator Dunne said. "There was nothing substantive to discuss."

Decision Is Discussed

Reports that killings already were going on inside the prison added final impetus to sentiment for a police attack, the legislator said.

He said he believed the final decision was not dictated by the Governor but, rather it was arrived at by his chief aide and counsel, Robert R. Douglass, and Commissioner Oswald, both of whom were on the scene.

While the decision-making process before the assault has not been revealed publicly, participants—including the Governor—have acknowledged that the decision was made with the backing of Mr. Rockefeller and that it was his ultimate responsibility.

Senator Dunne, interviewed yesterday on the WNBC television program, "Newslight," said he had asked, in his capacity as the leading correction official in the Senate, to observe the retaking of the prison but had been refused by Commissioner Oswald, on the ground that an emergency existed.

Senator Dunne, who looked haggard and weary, said that under the legal concept of felony murder—death resulting from a felony—the prisoners "certainly stand in jeopardy of being charged by the grand jury" with all 40 deaths—even if some were directly caused by the bullets of the attacking state policemen.

Asked whether he considered that morally justified, he replied, "I certainly do."

Senator Dunne listed as another crucial mistake the nebulous role of the observers' committee. The members, he said, did not know whether they were speaking for the state, advocating the prisoners' cause, or mediating.

Plans Tour of Prisons

He said he would meet with his committee here next Friday to map out a new legislative program for penal reforms.

A number of his reform bills in past years have died without passage.

He said he would also begin today a trip to each correctional facility in the state to learn its needs and "mood."

As other members of the observers' committee spoke on other programs, Attica was the subject of some church sermons.

William J. vanden Heuvel, chairman of the City Board of Correction, told worshippers in St. George's Episcopal Church, in Stuyvesant Square, that prisons begin the dehumanization of inmates, and he pleaded for reforms.