

Attica Prisoners Notified by State of Right to

By ERIC PACE

Special to The New York Times

BUFFALO, Sept. 27—State authorities disclosed today that they had given Attica inmates written advice of their right to speak to a lawyer before being interrogated about their actions during this month's prison rebellion.

Appearing at a hearing in the Federal District Court here, lawyers for the state also dismissed as hearsay a Legal Aid Society lawyer's affidavit alleging that an Attica inmate had been tortured after state troopers gained control of the prison.

Lawyers speaking for Attica inmates said the written advice to the prisoners was insufficient to "dispel the coercion and intimidation of Attica inmates rampantly prevailing.

Affidavit Charges Brutality

Federal Judge John T. Curtin presided at the hearing, at which the inmates' lawyers pressed a suit to have the state give them more facilities to prepare the defense of inmates allegedly involved in the revolt, which led to the loss of 42 lives and was crushed on Sept. 13.

The affidavit, signed by a Legal Aid Society lawyer, William A. Nelson, listed alleged instances of brutality inside the prison since the state regained control. Among them it recounted this alleged incident:

"One inmate was singled out as a 'leader' by an officer and led naked to a table in A Block, made to lie down with a football placed under his neck. Guards then spat on him, a lighted cigar was placed on his penis and lighted cigarettes were put on his stomach. He was then beaten and an officer fiercely kicked him in the testicles."

Judge Curtin reserved judgment on the inmates' suit, at least until Wednesday, when another hearing is to be held.

There were these other developments today stemming from the Attic rebellion:

¶Sixty relatives of Attica prisoners were turned away from the prison's gate this morning after they had chartered two buses from New York City in an attempt to visit inmates. Richard Butts, an executive of the New York Urban League, said: "The guards had utter disdain for us; the warden wouldn't even come out and talk to us. But none of the relatives we brought up had ever been notified that visiting was not permitted now."

Charles Carter, a civil liberties lawyer, reported after a visit inside the Attica Prison that prisoners were now being allowed to exercise regularly, though in smaller groups than before the revolt. Toilet paper, soap, tobacco and cigarette

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Consult Lawyers



Robert M. Metz
State Police Capt. Henry Williams, who led assault on the prison at Attica.

paper are also being provided to inmates again, according to Mr. Carter, a staff lawyer for the National Association for the Advancement of Colored People.

Tensions Reported Easing

Several observers who entered the prison today said they believed tensions between guards and prisoners were easing.

Inmates in A and C blocks were allowed into their yards today while two guards armed with rifles stood on catwalks overlooking the open areas, according to Donald Goff and Robert Patterson, members of a committee appointed by Governor Rockefeller to oversee conditions at Attica.

Mr. Patterson added that all the inmates in C block and most of those in A block had received one shower since the police assault on the prison

Sept. 13. Inmates from A block were being led three at a time to the showers, he said.

The state's written notice to the convicts informing them of their rights followed complaints and observations by civil liberties lawyers and members of the Goldman Committee, which was set up at the request of Governor Rockefeller. The four-member panel was named by Presiding Justice Harold Goldman of the Appellate Division.

They reported that prisoners were not being warned of their constitutional rights including the right to talk to a lawyer, before being interrogated by state officials who have been investigating the rebellion.

Today state lawyers presented the court with a copy of the mimeographed notice, which was written in English on one side and Spanish on the other. It said:

"Notice/To the inmates of the Attica Correctional Facility
"In the near future you may be questioned by representatives of the [State] Attorney General's office concerning the events which occurred prior to, during and after the period of [the revolt].

"If you want to speak to a lawyer before you are questioned and you have your own lawyer, write [his name and address, if known].

"If you do not have your own lawyer or cannot afford one, a court will appoint one free of charge... If you do not want to see a lawyer now, or you cannot make up your mind, you will be asked again when you are questioned and you can make up your mind at that time..."

Lawyers for the state said that forms that had been filled out and returned were now under study by the authorities,

but they did not say how many inmates had asked to see lawyers.

Appointment Assailed

By RALPH BLUMENTHAL

Special to The New York Times

ALBANY, Sept. 27—The appointment of the state police captain who ordered troopers to retake Attica prison as the head of a state police agency investigating the Attica episode, was denounced today by State Senator Samuel L. Greenberg.

The captain, Henry F. Williams, was transferred Friday from command of the 54-man Troop A of the State Police in Batavia, N. Y., to chief of the special investigatory unit, one of the two highest statewide investigating agencies.

The transfer—it did not involve a change of rank or salary and was not officially called a promotion — was announced in the middle of a five-page state police release on promotions and transfers. The release did not mention his role in quelling the Sept. 13 uprising in which 32 inmates and 10 hostages died.

Role at the Prison

Captain Williams, according to accounts of the rebellion, was a commander of the attack although more senior police officials were also present. As head of the local troops, he also supervised the gathering of evidence on the scene.

"What this amounts to," Senator Greenberg charged in a statement distributed here, "is the investigated conducting the investigation." The appointment, he said, casts a "cloud over the entire investigation."

The Brooklyn Democrat, leads the Democratic minority on the Senate Finance Committee, which released a thick report

on recommended changes in the state prison system shortly before the Attica uprising.

Declaring that Captain Williams's appointment "could undermine the public's confidence in the on-going investigation," Mr. Greenberg suggested the transfer be "reconsidered" until the investigation is completed. Actually, several investigations are under way.

The special investigatory unit that Captain Williams took over on Friday is playing a role in the Attica investigation, according to Emerson Moran, spokesman for Deputy State Attorney General Robert E. Fischer, who is heading the state's inquiry.

Mr. Moran confirmed previous statements that no party to the events at Attica was immune from investigation, including the state police. He declined to say, however, whether Captain Williams's new position put the captain in the position of investigating himself.

The appointment, Mr. Moran maintained, was an "internal state police matter."

A police spokesman, who asked to remain unnamed, said the appointment had been made months before the Attica uprising but was held up for budgetary reasons until Friday.

Captain Williams was at Attica today but was "unavailable," according to a prison switchboard operator.