

CITY TO USE FORCE IN A PRISON RIOT

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Policy of Rescuing Hostages
Disclosed in TV Program
—Badillo Scores Plan

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By FRED FERRETTI

Since the end of disturbances in three of its correctional facilities last year, the city has had a policy that calls for immediate entry of correction officers into prisons to quell disturbances and to retake hostages or areas occupied by rebellious inmates.

Disclosure of the policy was made by Leo Zeferetti, a city correction guard and president of the Correction Officers Benevolent Association of New York City.

Mayor Lindsay's office refused to comment on the policy, but William vanden Heuvel, chairman of the city's Board of Correction, acknowledged the existence of the policy. However, he contended that "preservation of human life is its paramount concern."

Representative Herman Badillo, Democrat of the Bronx, said he was "astonished" by the policy because, he said, it appeared to give attack priority over negotiation.

Word of the policy came last week during a pre-taping session of a public television program, "The Advocates," in Boston.

Mr. Zeferetti and Mr. Badillo were participants in the program, which uses the format of a courtroom trial to focus on current issues. Karl Menninger, the psychiatrist and author of "The Crime of Punishment," also appeared.

Attorneys on the program for and against the proposition "Should a State Refuse to Negotiate with Prisoners for

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the Release of Hostages?" were J. Daniel Mahoney, chairman of the state Conservative party and Howard Miller, a lawyer.

Mr. Zeferetti, under questioning by Mr. Mahoney, said that following riots last year in the Queens houses of detention, in the Manhattan House of Detention and in the Brooklyn House of Detention "we saw through our experience that the best way with [hostage seizures] was to go in swiftly, surely, with as much force as necessary," but without firearms, "to get our people out."

He said the "only way to cope with that situation of insurrection is by moving in swiftly and without any type of negotiations going on."

He was asked by Mr. Mahoney if that was the official policy of the city, and he answered: "Today we have approval by the Mayor to go in as fast as possible and this is outlined from the warden's line organization all the way to the correction officer."

During last year's disturbances, a total of 28 officers were held hostage at the Long Island City, Manhattan and Brooklyn houses of detention for men.

The hostages were freed by officers at the Brooklyn institution and released at the Manhattan and Long Island City, Queens, prisons after Mayor Lindsay agreed to go there and listen to prisoners' grievances. No hostages were taken during a rebellion at the same time at the house of detention in Kew Gardens, Queens.

Later in the program—which will be broadcast tonight over the Public Broadcasting network, locally on Channel 13 here at 8:30 P.M.—Mr. Mahoney, questioning Mr. Badillo, asked if he was aware that corrections officers "sent a memorandum to the Mayor and said from now on we want to go in straight away just as we did in Brooklyn, and that the Mayor has approved that and that's now the policy of New York City."

Mr. Badillo answered: "No, I'm not aware of it at all. As a matter of fact I'm rather astonished, because Mayor Lindsay, after the Attica riot, said that he disagreed with the Governor and he thought if he were involved he would have gone in [to negotiate]. So if he adopted that policy, it's news to all of us."

Since the prisoners revolt at Attica Correctional Facility, which has resulted in 43 deaths to date, the Mayor has several times criticized Governor Rockefeller's handling of the incident.

He said the Governor should have put in an appearance at the prison in response to prisoners' and observers' demands. He was also critical of the use of bullets against the inmates who had no firearms.

Mr. Lindsay said in Syracuse, on Sept. 17, four days after state troopers retook the prison

in a bloody assault, that he would have gone to prison had he been in the Governor's shoes. "Part of my approach and style is to be at the scene," he said.

Reports of the exchange during the taping session leaked out, and Mr. Badillo confirmed them yesterday.

George McGrath, the city's Commissioner of Correction, could not be reached for comment. Robert Laird, assistant press secretary for Mayor Lindsay, said in response to a query

about the policy: "In the interests of internal security and riot control in city correctional institutions there is a policy not to discuss such matters."

Mr. vanden Heuvel said he was aware of the policy; that to his knowledge it had come as a result of the prison disturbances of last year; that Commissioner McGrath had had spoken to him about it; and that he agreed with it because it was "advantageous to go in quickly and quell a riot,

hopefully before hostages are taken."

And if hostages are taken? "You do not negotiate under duress. Prisoners in our institutions know that. I have told them that. Prisoners do not have to take hostages here, because we have gotten through to them the fact that we do listen to them. Prisoners take hostages only to make the authorities listen."

Mr. vanden Heuvel was asked if the fact that hostages

<p>might be in the hands of rebellious prisoners could alter the so-called "swift entry" policy, and he said, "it could." But he would not foreclose the option that the authorities might still go after hostages, despite threats to their safety.</p>	<p>National Institute of Municipal Law Officers, again criticized the Governor's actions at Attica and said of his administration: "We have made human life our first concern, whether we faced disturbances in the street or a prison revolt in the Tombs [the Manhattan House of Detention]. We refused to shoot teen-age looters or use guns to recapture a prison. We have been professional, but restrained, and New York has had a series of relatively cool summers."</p>	<p>The city policy, apparently in response to demands of corrections officers, is similar to one that state correction officers have been demanding from state correction officials since Attica. In virtually every state penal institution guards have signed "declarations of determinations" which call for authorities to enter prisons immediately to rescue them if they are taken hostage.</p>
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