

U.S. Will Study Charges of Mistreatment at Attica

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WASHINGTON, Oct. 20—Attorney General John N. Mitchell said today that the Justice Department's Civil Rights Division would make an "appropriate investigation" of alleged mistreatment of prisoners at the Attica Correctional Facility in New York State last month.

The Attica prison uprising, which led to the death of 11 hostages and 32 prisoners, was crushed on Sept. 13. On Oct. 5 Governor Rockefeller asked a Justice Department investigation of charges by inmates that "their rights have been violated" to "assure public confidence in the objectivity and fairness of the entire Attica investigation."

In a letter to Mr. Rockefeller, dated yesterday and made public today, Mr. Mitchell wrote:

"Based on your request, I have directed Mr. David L. Norman, assistant attorney general, Civil Rights Division, to conduct appropriate investigation of any specific allegations of physical mistreatment that appear to constitute a deprivation of civil rights violative of Federal law."

Mr. Mitchell said that representatives of the Civil Rights Division had already met in Albany with Robert E. Fischer, a deputy state attorney general who is investigating the Attica revolt, "to establish the procedure for transmitting to this department any evidence or allegation of such violations."

Mr. Mitchell concluded his three-paragraph letter to the Governor saying:

"Please be assured of the continuing cooperation of this department in all matters of joint concern and responsibility."

Other inquiries on the Attica revolt are already under way. One, by Mr. Fischer, concerns the decision-making process

that led to the assault and retaking of the prison on Sept. 13 to learn "if the facts reveal anything of criminal nature."

Another investigation is being held by a nine-member citizens committee selected by five leading state judges and headed by Robert B. McKay, dean of the New York University Law School. Its aim is to conduct a "full and impartial" examination of all aspects of the uprising.

F.B.I. to Participate

All questions on the scope of the Federal investigation were referred by Mr. Norman's office to the Justice Department's public information office. A spokesman there said that agents of the Federal Bureau of Investigation, acting on behalf of the civil rights division, would "get all public records that are relevant and talk to witnesses and different people."

The spokesman said department lawyers estimated that it would take two to three months to complete the investigation.

It was understood that F.B.I. agents were already at work in New York City, examining complaints from Attica prisoners received by the Legal Aid Society. Lawyers for some inmates have charged that the prisoners were being beaten and subjected to a "continuing pattern of assaults and threats" since the revolt.

Previous U. S. Involvement

Asked if there was a precedent for the Federal Government to investigate charges of civil rights violations in state prisons, a Justice Department spokesman noted that on March 29 a Federal grand jury in Indianapolis indicted eight guards and an institution plumber in the shotgun slaying of one prisoner and the wounding of 46 others during a disturbance in 1969 at the state reformatory at Pendleton.

The spokesman also noted

that in 1969 a Federal grand jury in Little Rock, Ark., indicted 15 employes and trustees at three Arkansas penal institutions on charges of beating and imposing summary punishment on prisoners in violation of their constitutional rights.

On Oct. 12 the United States Supreme Court, in a 6-10-1 decision, refused to order a halt to the state's interrogation of prisoners at Attica.

In effect, the High Court upheld two lower Federal court rulings declining to issue in-

junctions that would have halted the interrogation of inmates by state investigators of the Attica uprising.

Call for Toughness Cited

State Senator John R. Dunne said yesterday that the Attica rebellion had resulted in public belief that more lawbreakers should be imprisoned.

"As a result of Attica," the Nassau Republican said, "the public attitude is that we've got to be tougher. That means we've got to put more people in prison. We have not reached the point where as many people as should be in prison, are there."

Mr. Dunne, chairman of the Senate Committee on Crime and Correction, made his remarks at the annual conference of state probation officers at the Roosevelt Hotel.

He said the anticipated increase in imprisoned persons, and the quicker disposition of cases in the courts, would lead to more arduous work for the state's 2,000 probation officers.

Probation officers investigate a convict's background before sentencing and after release from prison, and check on the activities of those released on probation.

Mr. Dunne told several hundred probation officers at the conference that the increased number of prisoners should be housed in community prisons, rather than new, large institutions remote from the cities and suburbs. Of maximum-security prison, such as Attica, he said "I hope to God we don't need more."

Mr. Dunne said that there would be opposition to community prisons and halfway houses, but urged the probation officers to "stop lip service to the concept that probation should be a community-based operation. Get out where the action is, where the people are, in the street."