

Attica Told to Start Hearings On Segregation by Tomorrow

Special to The New York Times

BUFFALO, Dec. 14 — Judge John T. Curtin of United States District Court here has ordered the superintendent of the Attica State Correctional Facility to begin administrative hearings by Thursday afternoon for 38 prisoners who have been segregated from the rest of the prison population since the Sept. 9-to-13 riot there.

The judge also issued a separate injunction prohibiting state authorities from physical abuse or torture of the prisoners.

In a 14-page decision signed Curtin found that the 38 prisoners, all of whom are believed to have been active participants in the riot, in which 43 persons died, are being held in segregation in violation of the due-process clause of the 14th Amendment of the United States Constitution and in violation of the rules of the State Corrections Department.

He ordered Vincent R. Mancusi, prison superintendent, to schedule meetings for the 38 before the prison's adjustment committee and to make weekly reports to the court on the

progress of the committee's proceedings.

The committee, which is supposed to meet at least once a week with any prisoner in special confinement, can order that the confinement be continued or can recommend a hearing before the prison superintendent.

The judge's order permits the prisoners to be continued in segregated confinement during the committee's proceedings.

Several inmates had testified before Judge Curtin that they were beaten, forced to run a gantlet of guards and otherwise abused shortly after the riot was put down.

Judge Curtin refused last Oct. 6 to issue such an injunction, because he had held that there was no evidence that the alleged beatings were continuing. However the United States Court of Appeals for the Second Circuit reversed his decision and directed him to issue the injunction, which he signed today.

Claims Against State Mount

ALBANY, Dec. 14 (AP) — The State Court of Claims said that, as of this morning's mail, it had received 506 notices of intent from current and former Attica prison inmates planning to file claims against the state for damages allegedly suffered on or after Sept. 13, when the riot there was quelled.

Clerk John J. Clark said his office would continue to receive the notices of intent. The question of whether filing after the normal 90-day statute of limitations must be decided by a judge.

Under New York's civil rights law, the rights of felons serving less-than-life terms are suspended or the sentence completed. Those under life terms "are civilly dead."