

80 at Attica See Inquiry As a 'Trick'

By JOSEPH LELYVELD

On one side there was the blue-ribbon state panel asking candor and trust; on the other, 80 or so desperate inmates from "the box" who have been locked in their cells and allowed no face-to-face contact with other prisoners since the Attica uprising was crushed last Sept. 13.

The panel was the investigating commission headed by Dean Robert McKay of the New York University Law School, which set itself the task of interviewing any individual with firsthand knowledge of the uprising. In less than four months it conducted more than 3,000 interviews.

Beginning in December, the men from the box, which is known euphemistically at the Attica Correctional Facility as "special housing," engaged in intricate negotiations with the commission and constant debate among themselves over the conditions under which they would cooperate. Finally they were the only substantial group with knowledge of the facts that the commission failed to interview.

Commission Denounced

In this group were virtually all those who were identified by correctional officers in the immediate aftermath of the revolt as leaders and activists. Last Wednesday, while the McKay was holding public hearings in New York—hearings that will continue this week—a statement was issued in their name denouncing the commission as "a whitewash group."

The following day seven men from the box, who said they had been democratically selected by the others for the purpose, spoke to The New York Times in separate interviews at Attica about why they had come to mistrust the McKay Commission. Later, members of the commission's staff offered their version of what went wrong.

"There is a definite parallel," said Arthur Liman, the commission's general counsel, "between our negotiations with them and the negotiations in the yard during the rebellion—the same total mistrust, the same inability of people really to reach decisions, the same nervousness, the constant dissecting and redissecting of words."

Commission Is Confident

Mr. Liman said that he was confident that the commission was already familiar with all the facts that could be known about the causes and circumstances of the revolt and that therefore the inability to interview the men in the box would not damage its final report. What it lost, he said, is the right to claim that the commission has "spoken to everyone."

The lawyer said also that he believed the inmates in Housing Block Z (or HBZ), as the box is officially designated, knew that the commission had tried to deal honestly with them. But the seven spokesmen for the group charged that the commission had played a series of "tricks."

"They weren't interested in what's really happening. They were just giving us a lot of lip service," said Donald Noble, who is serving the last year of a four-year sentence on a narcotics charge.

The men in HBZ, Noble stressed, make all their decisions "collectively," holding "meetings" by passing messages from one cell to the next, even though they cannot see each other's faces. "Everybody's united," he asserted.

The McKay Commission, he said, "took a lot of under-the-table actions to divide us. They weren't going along with our program."

Optimism Dissipates

The fact that there was a "program" for the commission other than the one it had drawn up for itself only became clear to Mr. Liman on his third visit to the institution. On his earlier visits he had seen two inmates from HBZ and told them the commission wanted to conduct confidential interviews with each prisoner individually; the impression he received, he says, was that they saw this as an opportunity to be heard.

But at a meeting on Dec. 6 between eight of the prisoners, a lawyer from the National Lawyers Guild acting as their counsel and members of the commission's staff, the inmates made it clear that they had already decided on terms for interviews. They would not be seen individually, they said, but only in groups of four and with a lawyer present.

Earlier Mr. Limoan had told them he would be ready to go to jail before allowing any confidential statements they made to the commission to fall into the hands of prosecutors and be used against them. But, on the advice of their attorney, the prisoners

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specified that they would not be willing to discuss the events of the rebellion itself, but only conditions in the prison before and afterward.

"We feel that we are all facing indictments," said James Brown, one of the inmates, when he was interviewed last week. "We're the only ones being held for prosecution."

And Willie McCullough, another inmate, asserted: "We wanted to make sure that none of us was put in the position of giving evidence that might jeopardize someone else."

An Apparent Agreement

Mr. Liman said his staff would talk to the prison in groups, with a lawyer present, if that was their decision. But before proceeding with such interviews, he wanted to make sure that each man had a lawyer of his choice.

The commission's focus then shifted to conducting individual interviews in the rest of the prison, without the restrictions the MBZ group had established for itself. The men in the box, however, were waiting for the group interviews to start. When they heard that interviews had begun instead in the other cellblocks, they felt betrayed.

"HBZ just never jelled," was the way Mr. Liman put it. "They had come to believe they had a monopoly on the truth. But if something was wrong with Attica, it wasn't a secret held by 60 or 80 people."

In March, as the time for hearings approached, black and Puerto Rican members of the commission's staff members were warmly re-

ceived in HBZ. "They felt we would be more sensitive to their problems," he said.

But the inmates interviewed last week spoke wryly about this approach. "Suddenly there was an intensification of black people coming in," said Harold Walker, a black inmate. "They had all the symbols of oppressed people—Afros, beards, power handshakes, all that nonsense. I said to myself: 'Where are all these dudes coming from? Are they trying to play on our blackness?'"

At about the same time, a temporary staff member told someone in HBZ that preliminary drafts of the commission's report were already being prepared. This was interpreted as meaning that statements from HBZ would now be taken only for the sake of formality.

"I was in favor of cooperating until I heard about the draft," said James Glenn, an inmate serving 40 years to life for second-degree murder. "They were telling us in the affirmative they were not concerned with what we had to say."

Mr. Liman feels that the basic decision not to go along with the commission was a political one, that the inmates in "the box" had concluded that "by cooperating with us, they would give credence to the report over which they had no control."

On March 22 he made a final trip to Attica to tell the men in HBZ that the commission was prepared to go ahead without their cooperation.

"I didn't want them to be under any illusion that they had the power to keep the commission from knowing the truth," the lawyer said. "Whatever the rhetoric, I think we understood each other."