

THE NEW YORK TIMES, THURSDAY, APRIL 27, 1972

State Police Film on Attica Assault Is Shown for First Time to McKay Panel

By MICHAEL T. KAUFMAN

A state police film showing the assault on Attica prison's rebellious inmates from the time the hostages were brought into view with knives at their throats to the time the prisoners were subdued, stripped and made to crawl on muddy ground was shown publicly for the first time yesterday at hearings of the McKay Commission. The film was compiled by the commission staff from videotapes, 8-mm, movies and still-photographs made by the state police during the assault on the morning of Sept. 13.

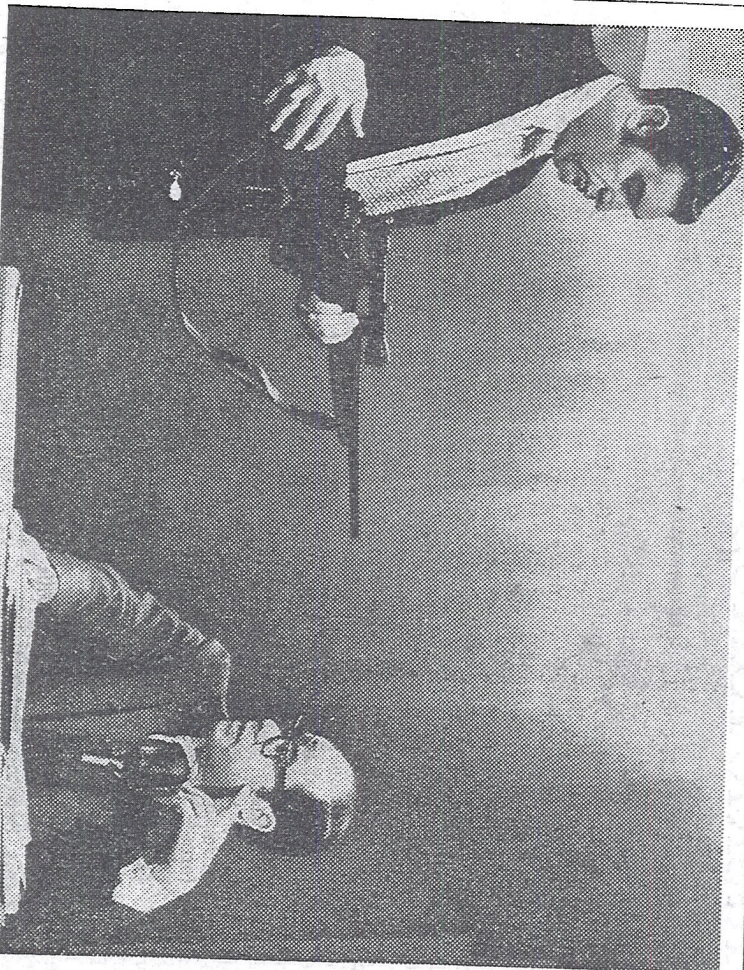
It opens with views of three clusters of inmates, each holding before them a blindfolded hostage at the intersection of four catwalks cutting the prison's large inner courtyard into four smaller yards.

Gunfire for Four Minutes

A recorded voice says: "It is 9:45." Within seconds, an Army helicopter swoops into view over the intersection, releasing billows of dense gas. The sound of heavy gunfire begins and bodies can be seen falling on the catwalk. The firing continues for four minutes.

In testimony given earlier yesterday, a staff investigator for the commission said that two hostages and eight inmates had been killed at the intersection, known as Times Square.

A tape of a telephone call was played yesterday of an unnamed correctional union official calling the Correction Department offices in Albany. The union man was heard saying that five from the state troop-ers toward the intersection



The New York Times/Tyrone Dukes
Andrew Liddle holds one of the telescopically sighted weapons used in the assault against prisoners at Attica. David Harrison, right, like Mr. Liddle a staff member of McKay Commission, said only expanding ammunition could be used in such guns.

"moved down the inmates like anywhere in the film could any officer be seen discharging a weapon—even though the barrage was steady, periodically becoming louder. Also, there were no instances shown of any inmate resistance with clubs or spears, although many witnesses have testified to such occurrences.

It was only after the four minutes of heavy shooting—a period in which the commission investigators say that most of the more than 400 rounds fired that day were discharged by troopers, correction officers and the Genesee County park police—that an order to surrender was broadcast from a state police helicopter.

"Put your hands on your heads, do not hurt the hostages—surrender to an officer and you will not be harmed," was the message repeated over and over.

After the film was shown, Arthur Liman, general counsel to the commission, asked Col. John Miller, the highest-ranking state police official at the scene,

why the warning could not have been given earlier. Colonel Miller said the helicopter with the public address system could not fly over the yard until the gas-laden Army copters had finished making their passes. As the surrender message was repeated in the film, inmates could be seen rising from the mud of their tent city and massing in a mob moving under police direction to a tiny doorway leading to another yard.

When the inmates were herded into this yard, they were ordered to crawl on their bellies away from the doorway. Some had been stripped, and there were several instances in which troopers could be seen kicking the crawling men. The showing of the film came toward the end of the commissioner's 11th day of public hearings. The day began with accounts by staff members of where hostages and inmates had died and what firepower had been used in the attack.

Slaying of Hostages

In addition to the two hostages who were killed on the catwalk, it was explained, eight others were slain, all but one by shotgun blasts, as they stood blindfolded in the center of the inmate-held D yard.

Three other hostages were wounded, while 25 hostages were rescued without physical injury. Twenty-nine inmates were killed, falling in many areas of D yard, and 85 other inmates were wounded. (Three inmates had died before the assault.) The commission reported that for the rest of this week.

This kind of ammunition, he said, is not used by United States military personnel "pursuant to the Geneva Convention to prevent unnecessary human suffering." These bullets were used, it was explained, because they are the only ones available for the sniper guns that are essentially intended for hunting game.

Another type of ammunition used in the assault, a one-ounce shotgun slug, is usually for massive shocking power "such as the reduction of a cement wall to rubble," he said.

Another commission investigator, Roberto Sackett, reported that—in addition to the troopers—a number of correction officers specifically barred from participation in the assault had fired into the yard. He said his investigation indicated that at least two deaths in the yard could be attributed to their fire.

The McKay Commission, headed by Dean Robert McKay of New York University's Law School, has been charged with determining the truth of events surrounding the rebellion at the upstate prison. Its televised hearings, being held at the studios of Channel 13 at 433 West 52d Street, will continue