

OSWALD DETAILS ACTIONS AT ATTICA

APR 28 1972

Says He Asked Rockefeller
3 Times to Appear

NYTimes

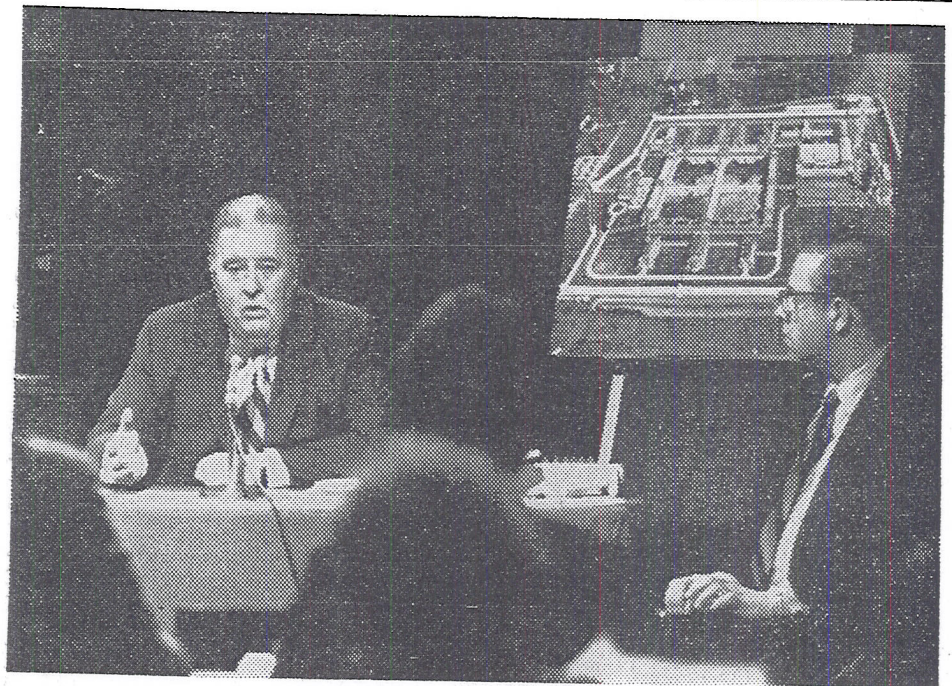
By MICHAEL T. KAUFMAN

Russell G. Oswald, the state's Commissioner of Correctional Services, told the McKay Commission yesterday that in the 12 hours preceding the retaking of the Attica Correctional Facility by state troopers he had three times advised Governor Rockefeller to come to the prison.

"I suggested that it might be appropriate for someone as warm and understanding as the Governor to walk that last mile, although I also said I didn't feel the move would succeed," the 63-year-old commissioner declared in describing the first of his three calls to Mr. Rockefeller.

Witnesses have testified in recent weeks that members of an observer committee, which for a while negotiated with rebellious inmates had unanimously appealed for the Governor to come. But Mr. Oswald's testimony during the final day of the commission's public hearings yesterday was the first indication that he, too, had sought the Governor's presence

Continued on Page 35, Column 1



The New York Times/Jack Manning

TELLS OF CALLS TO GOVERNOR: Russell G. Oswald, state's Commissioner of Correctional Services, testifying on last day of McKay Commission hearing on Attica Prison. Mr. Oswald said he had urged Governor Rockefeller to visit prison during disturbances.

Oswald Tells Panel of Attica Decisions

Continued From Page 1, Col. 1
at Attica.

Mr. Oswald said the Governor had responded to his suggestion by saying that such a visit would not be productive and would set a bad precedent. He said the Governor had made the same response in two subsequent phone conversations, the last of which was made on about an hour before the assault on Sept. 13 in which 10 hostages and 29 inmates were killed.

Good for 'Image'

Mr. Oswald made it clear that he had had no great hopes that the Governor's presence could end the deadlock over the issue of amnesty for the rebels.

"I felt it would be well for him to do for his image, but that it would not be productive," he said.

Mr. Oswald said he had acted alone from the inception of the riot. In the face of advice from his subordinates and in defiance of standard practice, he went on, he agreed at the very beginning to enter the prisoner-held yard for discussions with inmates.

He said he had also broken with convention and rejected counsel when he agreed to allow television and newspaper reporters into the area held by

the inmates and when he permitted negotiations by the outside observer group.

"I was doing everything iconoclastically. Going in was the last thing I wanted. I was clutching at straws," the heavy-set Commissioner said, his voice grave.

Mr. Oswald told the commission that during the siege he had total authority on whether and when to break off negotiations and go in with force.

Arthur Liman, the chief counsel to the state panel, asked the Commissioner why, then, in the light of his unconventional approach, he ultimately decided on the assault.

Mr. Oswald listed 19 points that he said had contributed to his frame of mind on the morning of the decision. These ranged from his knowledge that inmates were continuing to fashion weapons to his recollection that three days earlier, on his last visit to the yard, some inmates had threatened to hold him hostage.

Then, too, he said, "I was convinced amnesty was the key issue and it had been amply enunciated by the Governor that he was not going to give it." He added:

"It was my judgment that inmate intransigence became immovable."

Mr. Oswald said that the

question whom to hold responsible for insuring that there would be no reprisals against inmates after the assault had been turned over to Vincent Mancusi, who was then superintendent of the institution. Mr. Mancusi told the commission Thursday that he had been ordered by Mr. Oswald not to leave his desk on the day of the assault.

Earlier yesterday Mr. Oswald's executive deputy, Walter Dunbar, testified that he had not seen any excessive use of force in the yards after the retaking and said that in the assault plan there was "excellent self-discipline, excellent self-control and excellent response to commands."

Robert Carter, one of the nine commissioners appointed last fall by a judicial panel to determine the truth surrounding the September uprising, as a result of which 43 hostages and inmates died, criticized sharply what he called Mr. Dunbar's "eloquent and passionate defense of the brutalization of those prisoners" in the assault.

During the final session a commission staff member presented an inventory of the 1,500 inmate weapons found in the yard, including 17 spears, 5 swords, 103 knives and 182 baseball bats.