

Attica Defense Tries to Discredit a Key Witness

By MICHAEL T. KAUFMAN
Special to The New York Times

BUFFALO, March 6—Defense lawyers at the Attica murder trial here brought out today some discrepancies between what a correction officer told the court yesterday and what he told state investigators two days after the 1971 prison rebellion was put down.

In their attempt to discredit the witness and to indicate to the jury possible fabrication in the prosecution's case, the lawyers confronted the witness, Royal T. Morgan, with a transcript of his taped interview with state investigators on Sept. 15, 1971.

Mr. Morgan, a beefy blond man now working at the Auburn Correctional Facility, told in court yesterday how he had been seized by inmates within the first hour of the uprising. He was forced by inmates to strip and was beaten, he said, by two different prisoners, one of whom he identified as John Hill. Mr. Hill and a co-defendant, Charles Joseph Pernalice, are on trial here for the murder of Correction Officer William Quinn.

Tape Is Quoted

Mr. Morgan also said yesterday that he had first seen Mr. Quinn lying on the ground at a point midway in a 280-foot-long corridor, and that a group of inmates were surrounding the fallen man. He said that an inmate whom he identified as Mr. Hill, had emerged from that group and struck him with a two foot length of a 2-by-4.

At today's session, William M. Kunstler, Mr. Hill's lawyer, read the witness a portion of his taped interview of three and a half years ago.

"I noticed Officer Quinn on the floor curled up in a sort of ball 20 feet from 'Times Square.' There were no inmates, there weren't any inmates around and when I bent down to pick him up, that's when I got hit by one Puerto Rican."

"Times Square" is a vestibule where the four long corridors that cut the prison into quadrants come together. The checkpoint is 143 feet, not 20 feet, from the spot where Mr. Morgan said yesterday that he had for the first time seen Officer Quinn.

In the investigators' transcript read from by Mr. Kunstler, Officer Morgan was quoted as identifying the man who

assaulted him as "a Young Lord," or member of a Puerto Rican militant group that had been active in the prison. Mr. Hill is an American Indian. Mr. Morgan was asked today if he remembered making the statement in the investigators' report, and he repeated several times that he did not fully recall. He stood by the account he gave the court yesterday. The prosecution, which under the rules of court procedure had turned over the transcript to the defense, had stipulated

to the authenticity of the document.

"Which is correct?" asked Mr. Kunstler about the two versions.

"What I said yesterday today," replied the witness.

"Your memory is better now than it was six days after the incident?" the lawyer asked.

Other Officers Called

"No, in some parts it was better then," said Mr. Morgan, who was released by prisoners on the first day of the insurrection.

From the defense view, the impeachment of Mr. Morgan's testimony is critical, because it forms a keystone in the prosecution's case, locking together much of the testimony of previous witnesses.

The fourth witness in the trial, a guard named Donald Melven, said he had seen Mr. Hill hit Officer Quinn as Mr. Quinn stood at Times Square. The sixth witness, a former inmate named Leland Spear, said he had seen Mr. Hill strike an officer whom he could not identify, who was lying in Times Square.

The eighth witness, William Rivers, a parolee from Attica, said he had seen Mr. Hill strike a fallen guard at the midpoint of the tunnel, and then said he saw the defendant approach a naked guard and strike him twice. Mr. Rivers was unable to identify by name either of the guards he had seen being attacked.

Mr. Morgan's testimony thus was essential to fill in the prosecution's patchwork of evidence. He had been stripped; he had been struck twice by Mr. Hill. And he, unlike the former inmate witnesses, could identify the man lying on the floor as Mr. Quinn.

In attempts to impeach Mr. Morgan's statements, Mr. Kunstler stressed the guard's differing accounts, particularly his earlier contention that he had seen Mr. Quinn lying near Times Square with no inmates near him.