

Physician Testifies at Attica Trial Fatal F

NYTimes MAR 14 1975

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Special to The New York Times

BUFFALO, March 13—A physician who examined and treated William Quinn just after the Attica correction officer was taken to the hospital in 1971 pinpointed the guard's fatal skull injuries today and said they had appeared to have been caused by a blunt instrument.

The doctor, Sidney L. McLauth, a general practitioner from the village of Corfu, used his own head to demonstrate the location of Mr. Quinn's wounds for the jury trying two inmates on charges of murdering Mr. Quinn.

With his forefinger, Dr. McLauth drew two imaginary lacerations slanting from the middle of his forehead back to the left side of his head.

He traced a third cut above his left ear, and said that X-rays showed a skull fracture on the lower left side of the skull.

Earlier Testimony

Yesterday a former inmate testified that he had seen John Hill, one of the defendants, beat a fallen officer at the beginning of the Attica prison take-over. That witness, Robert Kopec, said he saw two blows struck by Mr. Hill hit the guard "in the right side of the head," above "the right temple," while the guard was lying face down.

The physician, who was on duty in the emergency room of St. Jerome's Hospital in Batavia on Sept. 9, 1971, said the patient was brought in bleeding from the head and left ear and was unconscious.

But, "he was very much alive," said the doctor, who added that within the next two hours the officer would occasionally "sit up and wave his arms."

Within minutes of his arrival, said the general practitioner, Mr. Quinn's lacerations were sutured and intravenous feeding began. The patient's vital signs—his blood pressure and respiration—stabilized. And after a call was made to a neurosurgeon, the guard was moved to a hospital in Rochester that had better facilities. He died there two days later.

Dr. McLauth, who is one of the last prosecution witnesses, was asked by Louis Aidala, one of the lawyers pressing the state's case, what he thought were the fewest number of blows that could have produced Mr. Quinn's injuries.

"Three," the doctor replied.

Other Witnesses

Some of the 16 earlier witnesses said they had seen Mr. Hill strike the guard twice. One said he had seen Mr. Hill's codefendant, Charles Joseph Pernasilice, club a guard once. In addition one witness said he had seen at least one other inmate and possibly two, strike a guard who might have been Mr. Quinn.

By far the most-damaging testimony to the defense was that of Mr. Kopec who said that he had not only seen the attack but also that a few hours after the incident Mr. Hill confided to him that he

thought he had killed a guard that morning.

In a move to rebuff this accusation, Mr. Hill's lawyer, William M. Kunstler, urged today that the testimony be expunged along with that of another eyewitness, William Rivers.

In his argument, the lawyer cited a decision handed down by the New York State Court of Appeals on March 4, eight days after the trial here began.

Decision Cited

In that decision, the court, the state's highest, ordered a new trial for a New York City policeman who had been charged with rape. During the policeman's trial, his partner had been called as a prosecution witness and gave damaging evidence. Under cross-exa-

mination however, the partner claimed his privilege against self-incrimination under the Fifth Amendment and refused to answer questions.

In granting the new trial, the Court of Appeals affirmed the view that "the inability of the defendant to cross-examine" the witness "effectively destroyed any opportunity for the defendant to undermine or refute," the witness's testimony.

The court further upheld the position that "a defendant has the fundamental right of confrontation of witnesses against him." Deprivation of that right occurs when a witness testifying to substantial matters against a defendant hides behind the shield of privilege against self-incrimination when cross-examined."

THE NEW YORK TIMES, FRIDAY, MARCH 14, 1975

Blows Struck Guard on Left

Mr. Kunstler argued that this ruling had direct application to the case here, since both Mr. Kopec and Mr. Rivers claimed their lawyer-client privilege while they were being cross-examined about conversations they had with counsel during the period they were being interviewed by state investigators.

Basis of Argument

Specifically, Mr. Kunstler maintained that the citing of such privileges prevented him from attempting to establish whether or not the witnesses, both convicted felons, had been promised deals for their cooperation. The argument had been first made last week by Mr. Kunstler and Ramsey Clark, Mr. Pernasilice's lawyer.

It was brought up again after

a team of defense lawyers discovered and researched the Court of Appeals ruling handed down just one day before Mr. Rivers claimed the lawyer-client privilege while being cross-examined.

Justice Gilbert H. King promised today to study the appellate courts opinion before acting on the motion to strike the testimony.

As the court session ended this afternoon, Justice King excused the jury from sitting tomorrow, announcing that the day would be spent in argument on another defense motion, this one asking that the judge authorize a subpoena to Vice President Rockefeller to have him testify here.

The hearing promises to be something of a reunion: Mr. Rockefeller will be represented

Side of Head

by William E. Jackson, a New York lawyer who is a Yale Law School classmate of Mr. Kunstler and the son of the late Supreme Court Justice Robert Jackson, who sat on the high court with former Justice Tom Clark, who is the father of Ramsey Clark, the former United States Attorney General who is associated with Mr. Kunstler in the defense of the two young Indians.

Casino Is Tourist Lure

TEL AVIV (UPI)—The isolated Negev settlement of Mitzpe Rimón, off the road to Eilat, is trying to lure tourists with a brand new attraction for Israel: a gambling casino. If parliament grants the settlement the right to open gaming tables, the lonely desert spot will likely become the Las Vegas of Israel.