

NYTimes *Attica* APR 23 1976
**Prosecutor Proposes Clemency
For 'Some' Convicted on Attica**

By TOM GOLDSTEIN

The special Attica prosecutor has recommended executive clemency for "some" of the eight inmates convicted of crimes committed during the 1971 riot at the upstate prison in which 43 inmates and guards died.

The special prosecutor, Alfred J. Scotti, has also recommended that the state police and the Corrections Department weigh disciplinary action against more than a dozen law enforcement officers.

Neither Mr. Scotti, nor the Governor's office, which released the recommendations yesterday, disclosed the precise number or the identities of the inmates, state troopers or prison guards involved.

The set of recommendations was the last official act of Mr. Scotti, who was appointed last December to "review" and bring to a "just conclusion" the state's four-and-a-half-year investigation of the riot.

A spokesman for Governor Carey said that the recommendations were being considered and that individuals would be named if clemency was granted and disciplinary hearings were undertaken.

In the last two months, Mr. Scotti has recommended that all but one of the remaining 63 indictments stemming from the prison revolt be dismissed and that the two grand juries investigating the uprising be

discharged. Those recommendations were followed by State Supreme Court justices in Buffalo.

In his latest set of recommendations, Mr. Scotti said he felt disciplinary action was "warranted" against the troopers and guards for conduct during the retaking of the prison. Earlier, he had said that successful criminal prosecutions were not possible because of "unavailability of evidence," but in the recommendations released yesterday, he said that "any departmental disciplinary action would still be timely."

In disciplinary hearings, the standard of proof is less than that required in criminal trials.

It appeared unlikely that Mr. Scotti's recommendation for clemency was extended to John Hill, the only inmate charged with and convicted of homicide and the only individual now in prison solely as a result of an Attica-related crime.

Mr. Scotti said that he had recommended executive clemency for inmates for whom he would have recommended dismissed indictments if they had not already been convicted.

In a statement yesterday, the Governor commended Mr. Scotti and his two assistants, Irwin Rochman and Lewis R. Friedman, "for their dedicated diligent efforts in ultrasensitive circumstances to bring a complex, emotion-ridden situation to a conclusion."