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ATTICA WITNESS TELLS OF SLAYING

Former Inmate Says He Saw
Prisoner's Throat Slit

By MARY BREASTED

Special to The New York Times.

BUFFALO, June 9 — With downcast eyes and a breaking voice, a 30-year-old former Attica inmate testified here today that he had seen Bernard Stroble, another former Attica inmate, slit the throat of a fellow prisoner during the prison rebellion of September, 1971.

James J. Ross, the 16th witness in the trial of Mr. Stroble, who is accused of killing Barry Schwartz during the Attica prison rebellion, frequently halted during his testimony in the Erie County house to weep and wipe his eyes.

"I don't know why he did it!" Mr. Ross exclaimed at one point when the chief prosecutor, Special Assistant State Attorney General Francis Cryan, had asked him to review the details of the murder he said he witnessed in the prison cell block Saturday, Sept. 11, 1971, two days after the prison rebellion had begun.

Judge Offers Tissues

The presiding judge, State Supreme Court Justice Joseph F. Mattina, at one point offered Mr. Ross a handful of tissues. The jury of five men and seven women listened to his testimony with looks of intense discomfort on their faces, their eyes fixed on the slight and frequently inaudible witness.

Mr. Ross is the first of the prosecution's witnesses to testify about actually seeing the killing of Mr. Schwartz, a white inmate who was found dead of multiple stab wounds after the prison rebellion ended.

Other prosecution witnesses have testified that they saw Mr. Schwartz and another white inmate, Kenneth Hess, being led away from the prison yard naked after their discussion with a newsman had incurred the disapproval of the inmate rebellion leaders on the night of Friday, Sept. 10, 1971.

Five black former Attica inmates have been charged with the kidnapping of the two white inmates. In addition, the five defendants have been charged with felony murder of the two dead men, which means they are charged with responsibility for murders stemming from the kidnapping. But only Mr. Stroble, who calls himself Shango Bahti Kakowana, and Eric Thompson, another former Attica inmate, have been charged with the actual, or "common law," murders of the two white inmates.

Herbert X. Blyden, Roger Champen and Frank Smith are the three other former Attica inmates charged with the kidnapping and felony murders of Mr. Hess and Mr. Schwartz.

Cross-Examination Begins

The current trial, concerns only the charges against Mr. Stroble. After an afternoon recess, one of Mr. Stroble's lawyers, Ernest Goodman, began cross-examination of Mr. Ross and brought out that the fact that the witness had not told his story in full detail to state investigators until well over a year after the uprising ended.

But the defense lawyer's strategy seemed to backfire as Mr. Ross recalled how the whole incident had "weighed on my mind" during the months when he evaded the questions of state investigators.

In another rebellion murder case in which motions were argued yesterday, William Kunstler and Barbara Handshu, both representing Mariano Gonzalez, filed a motion asking for a new hearing on the role of Federal Bureau of Investigation informant, Mary Jo Cook. Mrs. Cook had been the subject of a hearing in the trial of Mr. Stroble but Justice Mattina ruled that the information she gave to the F.B.I. about Attica defendants and Attica defense strategies did not taint the case against Mr. Stroble.

Mr. Kunstler and Miss Handshu argued in their motion before State Supreme Court Justice Frank J. Kronenberg that Mrs. Cook had supplied vital information to the F.B.I. about the case of Mr. Gonzalez, who is accused of killing Michael Privitera, another Attica inmate, during the prison uprising. Justice Kronenberg reserved decision.