

Rockefeller Testifies on Attica For 3 Hours Before Grand Jury

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WARSAW, N. Y., Aug. 29—Vice President Rockefeller, arriving here to testify before a grand jury investigating the prison uprising at Attica four years ago, said today that guards and state police have been sent in at the outset of the rebellion to retake the prison.

Mr. Rockefeller testified for nearly three hours. Before he entered the courthouse, he said: "We should have gone right through in the beginning."

Mr. Rockefeller, who was Governor at the time, said his chief regret about how the retaking of the prison was handled was that it came after the inmates had had an opportunity to arm themselves.

Later, when he emerged from the red-brick building, he said that, while he could not comment on the details of his testimony, "it was awfully hard to remember some things, but I did my best."

With his customary ebullient smile, he waved to a crowd of 100 onlookers and went over to shake their hands, as he had done before he entered the courthouse. Most of the 20 or so persons who had been demonstrating against Mr. Rockefeller for his role during the time of the Attica uprising had left by the time he came out of the red-brick building slightly after 5 P.M.

Mr. Rockefeller's testimony came during the 118th session of a grand jury that was impaneled in April, 1974, to investigate possible crimes by law-enforcement officers during the uprising and after they had regained control of the maximum-security prison.

Voluntary Appearance

Mr. Rockefeller, who was then Governor, appeared voluntarily before the jury at the Wyoming County Courthouse in this small rural village, which is between Buffalo and Rochester and 15 miles from the state prison at Attica.

No indictments have been returned by the jury, the second that has looked into the circumstances of the prison revolt. The first grand jury, which is still sitting intermittently here, has handed up indictments charging 62 inmates with more than 1,400 crimes.

During the retaking of the prison on Sept. 13, 1971, four days after the uprising began, 39 inmates and hostages were killed and 80 were wounded by gunfire from state troopers and correction officers.

The decision to retake the prison by force was authorized by Governor Rockefeller. The State Special Commission on Attica, known as the McKay Commission, after its chairman, Robert McKay, criticized Mr. Rockefeller for not having personally gone to the prison.

Before he entered the courthouse today, Mr. Rockefeller told reporters that his chief regret about the way the uprising had been handled was that the retaking of the prison came after the inmates had had an opportunity to arm themselves.

"We should have gone right through in the beginning," the Vice President said.

He was escorted into the courthouse by several Secret Servicemen and Hugh Morrow, his press secretary; Ann Whitman, a former aide, and William E. Jackson, one of his personal lawyers from the Wall

Street firm of Milbank Tweed Hadley & McCloy.

Under state law, Mr. Rockefeller appeared alone in the second-floor grand-jury room, which ordinarily is used by the County Board of Supervisors. He said he did not leave the room to consult with his lawyer.

The Vice President was questioned by Anthony G. Simonetti, the chief Attica prosecutor, and two of his aides, Ned Perry and Edward Flierl.

Mr. Rockefeller's appearance today marked the second time this month he has testified about Attica and the second time in two days he has testified about events that took place while he was Governor.

On Aug. 8 he testified for five hours before Bernard S. Meyer, who is heading an investigation into charges of possible misconduct by the Attica prosecution. Yesterday he spent most of the day before the Moreland Act Commission investigation nursing homes in New York.