

2 ATTICA JURIES ARE DISMISSED

Action Ends Chance of New
Indictments on Uprising

By WOLFGANG SAXON

On a motion by the special Attica prosecutor, a State Supreme Court justice in upstate Warsaw yesterday discharged two grand juries impaneled in 1971 and 1974 to investigate the 1971 uprising at the state prison. The revolt took the lives of 29 inmates and 10 guard-hostages.

The action, taken at the Wyoming County Courthouse by Justice Carman F. Ball, ended the possibility of further indictments in connection with the take-over of the Attica Correction Facility by inmates in September 1971 or its recapture by the state police.

The prosecutor, Alfred J. Scotti, former chief assistant district attorney of Manhattan, previously moved on Feb. 26 for dismissal of all but one of the remaining indictments reviewed by him since his appointment last December, asserting that this would be "in the interest of justice."

The quashed indictments affected 10 inmates charged with kidnappin for having held guards hostage during the four-day uprising, three inmates accused of having assaulted guards and one state trooper charged with having recklessly fired a shotgun during the re-taking of the prison. The trooper, Gregory Wildridge, was the only state employee who had been formally charged with a crime in connection with the recapture of the prison.

When he sought the dismissals, Mr. Scotti advised the court that he was still looking

into "two matters" that might require additional witnesses to be called before a grand jury. The "two matters" involved the possibility of an intentional homicide committed by a state trooper and allegations that a member of the state police had tried to obstruct the Attica investigation.

But Mr. Scotti reported yesterday that he and his two associates, Irwin Rochman, the chief deputy prosecutor, and Lewis Friedman, a special assistant attorney general, had concluded that no indictments should be sought in "these two matters" because the evidence they had been able to obtain under his mandate did "not warrant submission to the grand jury for a vote."

"In this connection," Mr. Scotti declared, "I must acknowledge that the unavailability of the evidence required for successful prosecution of these two matters may be I ascribed, as I stated with greater particularity on Feb. 26, 1976, to the serious deficiencies in the state investigation into the event at Attica."

Mr. Scotti's remark referred to the sharply critical assessment he made that day of the state police and prosecutors preceding him in the Attica inquiry, saying that there were indications that "unjustifiable

Drop in Unemployment Continues in the State

TRENTON, March 29 (UPI)

— The unemployment rate in New Jersey dipped slightly in February to 11.4 percent, the lowest level since March 1975, according to figures released today by the Department of Labor and Industry.

The number of unemployed fell by 11,800 to an estimated total of 384,200.

The jobless rate in January was listed at 11.7 percent.

New Jersey has been recovering from the economic recession slowly. The number of people out of work reached a record high in September, when 13.6 percent of the work force was unemployed.

"homicides" and crimes of "reckless endangerment" have been committed by law enforcement officers at Attica.

62 Were Indicted

After the uprising, a total of 62 inmates were named in 42 indictments. Two were convicted, John B. Hill, sentenced last May to 20 years to life in the fatal beating of William E. Quinn, a correction officer, and Charles J. Pernalice, who drew a prison term of up to

two years for attempted assault on a guard, but who has remained free on bail pending appeal.

Eight other inmates pleaded guilty to lesser charges than originally made.

The other indictments were dismissed, except that of Mariano Gonzalez, who, accused of having killed a fellow inmate, has been a fugitive since last fall. Mr. Scotti said he did not seek dismissal in that case because "the interests of justice do not require forgoing prosecution of a provable, intentional killing."

Governor Carey and State Attorney General Louis J. Lefkowitz appointed Mr. Scotti after a special investigator, Bernard S. Meyer, reported that "serious errors in judgment" had been made in the Attica investigation and recommended the naming of a special prosecutor to determine whether indictments were to be sought against law enforcement officers.

Mr. Scotti still has to review the convictions and see whether there is evidence against police or corrections officers warranting disciplinary action by their respective departments. He and Mr. Rochman said that this should be completed by the end of April.