

By Tom Wicker

NASHVILLE, April 10—Earlier this week, nine inmates at the Tennessee State Prison seized four prison counselors and held them hostage for eight hours, with pipes and makeshift knives for weapons. The rebelling inmates presented prison authorities with a list of eleven grievances but ultimately surrendered themselves and their hostages without anyone having been injured.

One reason for this revolt appears to have been that Correction Commissioner Herman L. Yeatman promised the inmates that they would not be prosecuted in court for their rebellion. He is proceeding only with "administrative punishment"—thirty days of "punitive isolation" and the loss of six months of "good time"—for each of the nine rebels.

This affair is scarcely comparable to the massive rebellion at the Attica Correctional Facility in upstate New York in 1971, when 1,200 inmates held 38 hostages for four days, after killing one guard and injuring many others in the initial uprising. The outcome of the Tennessee incident is particularly not comparable to the end of the Attica revolt.

At Attica, state officials specifically refused to grant the kind of criminal amnesty tacitly arranged in Tennessee. Instead, New York State troopers were sent against the Attica rebels with shotguns, rifles and tear gas, killing 29 inmates and 10 of their hostages in a six-minute hail of mostly indiscriminate gunfire. More than 80 inmates were wounded.

The Tennessee uprising and its peaceful resolution do make several useful points related to Attica. It was one more demonstration that the show of force authorized by Gov. Nelson Rockefeller in 1971 did not, as some have argued, discourage unrest and rebellion in American prisons. Tennessee showed, moreover, that the effect of a criminal amnesty could be achieved in such a situation, with the rebelling inmates still being made to suffer substantial penalties for their actions.

Granted that the killing of a guard at Attica made such a solution more difficult to obtain in that case, the question still arises whether the State of New York seriously sought, or wanted, anything similar to the Tennessee arrangement. And that makes it all the more necessary that those who authorized and participated in the armed attack that, instead, killed 39 men, should be held legally responsible for any offenses they might have committed during and after the six minutes of shooting on Sept. 13, 1971.

No unofficial amnesty should be extended to them, if such an amnesty was impossible to grant for those responsible for the death of only one man.

That is why Gov. Hugh Carey of New York has no decent option but to force Attorney General Louis Lefkowitz, or some special panel, into a thorough investigation of charges by Malcolm Bell, once the Assistant Special Prosecutor in the Attica matter, that there was a systematic prosecution cover-up of criminal offenses committed by the Attica attackers and their supervisors. (The word "force" is not too strong since Mr. Lefkowitz has failed since last Dec. 11, when Mr. Bell made his charges to the Attorney General, to act on his own.)

It has always seemed likely to most who have studied the Attica episode that criminal offenses were committed in the violent recapture of the prison and its aftermath, when brutal reprisals were taken against inmates and little medical care was provided for the wounded. Indeed, the New York State Special Commission on Attica, which had no prosecutorial authority, documented such offenses.

Obviously those who participated did

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not volunteer the details, even if they fully understood them in a legal sense. Just as obviously, the Warsaw County grand juries, composed largely of acquaintances and neighbors of Attica guards and administrators, were not anxious to return indictments against the law-enforcement officers who put an end to the rebellion, however bloodily.

But Mr. Bell's resignation from the prosecution staff, and his massive report on the alleged cover-up, is the first substantial allegation that the prosecutors, too, may have been trying to shield members and commanders of the attack force from the consequences of their acts. Governor Carey, who had no responsibility for anything that took place at Attica or during Mr. Bell's period of service with the prosecution, must not permit that to happen.

It is not just a matter of elementary justice, although it is that above all. To ignore law officers' crimes, if any, at Attica, as well as a state cover-up of those crimes, if there was one, can only increase the disrespect and contempt for the law and those supposed to enforce it that already are major causes of crime and corruption and much bitter alienation from American society.