

Parole Is Granted but Then Revoked for a 'Harlem Six' Inmate

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AUBURN, N.Y.—After serving eight and a half years in various New York prisons, one of the original "Harlem Six" has been granted parole, only to have it revoked.

And while the New York Board of Parole shrouds its dealings in secrecy and will not explain its actions, the office of Manhattan District Attorney Frank S. Hogan is known to have intervened on at least one occasion in the case.

On Friday, Oct. 13, 1972, Daniel Hamm was probably happier than any of the 1,500 men locked up inside the gray fortress called the Auburn Correctional Facility.

After one murder conviction, a reversal of that conviction, a plea of guilty to manslaughter and eight and one-half years spent in the Tombs, in the Brooklyn House of Detention, at Elmira and here at Auburn, the 27-year-old black man — No. 59085 — was on his way out.

Packing to Leave

Three members of the state's Board of Parole had been persuaded of Hamm's rehabilitation at Auburn and, after a 40-minute interview, had decided to recommend him for parole. Most parole interviews last less than 10 minutes.

Hamm would have to hurdle a two-man panel of prison psychiatrists and another parole interview, but he and everyone else knew that these were largely formalities.

He would soon be free, probably before Christmas. Hamm, who had finished his

high-school education in prison and had begun taking college courses, began giving away some of the clothes and books he had accumulated in his small cell. But he packed up most of his private library — including a 15-volume, limited-edition set of Gibbon's complete works — and sent it off to his lawyer in New York.

Hamm's mother, Mary, who had been living with another son, Marvin, in Richmond, Calif., interrupted half-completed dental surgery and flew back to New York to be with her second son when he was released. She was pleased because Daniel had two job offers and a place at the Nassau County Cooperative College waiting for him when he came out. After the uneventful psychiatric and parole interviews, a date had been set for his release — Dec. 14.

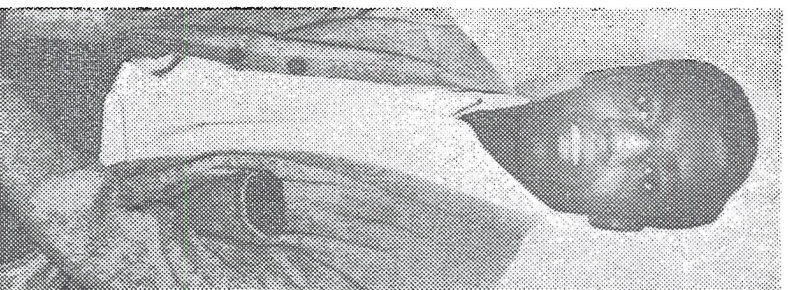
Conviction Voided

On Dec. 1, Daniel Hamm was informed that the board had rescinded his parole, "on the basis of new information."

"I went back to my cell," Hamm said. "I was on the point of tears. I just walked around. It seemed unbelievable."

Shortly after Daniel Hamm and five other black teen-agers were arrested on April 29, 1964, and charged with stabbing a Hungarian refugee shopkeeper and murdering his wife, they began to gather a certain reputation as "the Harlem Six."

The six were convicted of murder in 1965, but their convictions were overturned in 1968 on constitutional grounds — the



Daniel Hamm of the "Harlem Six," still in jail.

misuse of one defendant's confession.

One of the six, Robert Rice, was separately convicted of murder in 1970, and is serving a life sentence in Greenhaven Prison.

Hamm, whom the prosecution described as the lookout in the holdup-murder, pleaded guilty to manslaughter, attempted robbery

in April, 1971, and was sentenced to 15 to 35 years.

The four remaining youths — Walter Thomas and Wallace Baker — have maintained their innocence. Two subsequent trials of the "Harlem Four," as the attenuated group is known, have ended with hung juries. District Attorney Frank S. Hogan of Manhattan has promised to try the "Harlem Four" for a fourth time, probably this year.

Paul J. Regan, the 65-year-old former policeman and parole officer who heads the New York board, said the decision to revoke Hamm's parole had been based on fresh "confidential information."

A Letter Is Received

Before the 11 members of the board reached this decision on Nov. 27, they already had in their file on Daniel Hamm a four-page letter from the Manhattan District Attorney's office urging that he be kept in prison. The original decision to release Hamm into the community was made in the face of that recommendation.

Mr. Regan declined to say whether the new "confidential information" had come from Mr. Hogan's office.

David Worgan, a top assistant to Mr. Hogan who drafted the initial four-page letter, also declined to comment "directly," as he put it, when asked if he or anyone else in the District Attorney's office had written a second letter once it became apparent that Hamm was about to be released.

But Mr. Worgan volunteered the statement that Hamm, at the time of entering his man-

slaughter plea in 1971, had under questioning implicated the other defendants in the case. But Hamm also said at the time, Mr. Worgan noted, that he had no intention of testifying against the "Harlem Four."

'If He Would Cooperate'

"If he would change his mind," Mr. Worgan said, "we would be happy to talk to him."

And if Hamm collaborated with the prosecution, would he be recommended for parole?

"If he would cooperate, we would do with him what we would do with any witness and informant and make known to the court what he had done," Mr. Worgan said.

It is not unusual for a man accused of manslaughter in 1964 to have served eight and a half years. However, in the last few years similarly convicted individuals could expect to be paroled within two to four years.

Gene Ann Condon, attorney for Hamm, was recently denied a hearing for a writ of habeas corpus by Justice Arthur Ervin Blauvelt of the State Supreme Court in Cayuga County. She intends to appeal the decision, the lawyer said.

Meanwhile, Daniel Hamm remains here in Auburn, spending most of his time in his cell, running three miles a day in the prison yard and staying up until 2 in the morning to improve his English.

"The worst time of the day here is the day," he remarked. He says he is not bitter, but he sees little rationality in the decisions others are making about his life.