

A DA's Apology

Dear Sir:

Attention, Jack Newfield: I want to thank you for your recent article concerning our sending of extradition papers for Robert Apablaza (Voice, October 28). I mean this quite sincerely and am not attempting to be facetious. As the result of your article, as well as letters from individuals who read it, more details were called to my attention in the Apablaza case than were at hand at the time of the extradition. (Robert Apablaza, sentenced to 50 years of hard labor for selling \$5 worth of marijuana in New Orleans in 1967, escaped to New York where he was captured in 1970; extradition papers sent by District Attorney Garrison were approved by Governor Rockefeller.—Ed.)

The extradition was based on his escape from prison and in a large operation such as

we have, it's virtually routine to extradite where a man has escaped from prison. I was unaware, however, at the time of the extradition, of the unique nature of the original case which caused him to be sent there, inasmuch as we have to process approximately 10,000 cases a year. When I learned from your article in The Voice and the subsequent letters that this man had been sentenced to 50 years at hard labor for a case involving \$5 worth of marijuana, my reaction was precisely the same as yours.

I wired Governor Rockefeller, sending a duplicate wire to Manhattan District Attorney Frank Hogan, advising him that I was in agreement with Mr. Hogan in his opposition to our extradition and that, although I found myself in an extremely unusual posi-

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tion, I also was requesting him to deny extradition.

One of the major problems in operating a large government office is to try to keep it from becoming a bureaucracy in which the human factor becomes lost. This problem becomes all the more aggravated when a caseload doubles, as ours has in the last eight years, while the size of the staff remains the same. Consequently, when I fall into the error, as I occasionally do because of the overload, of letting my office function as a bureaucracy—even with regard to a single case—I am grateful to those who call my attention to the fact that an injustice may be occurring to a human being. This is why I am grateful to Mr. William Hellerstein of the New York Legal Aid Society, to District Attorney Frank Hogan, to you, and to the other individuals who caused it to be called to my attention that such an injustice was in process.

The humanity of these individuals and of yourself is to be commended, most particularly because we live in an era in which governmental power in many instances has come to represent a threat to the cause of humanity.

I use the word "injustice" because in my judgment the length of the original sentence, under the circumstances, constitutes cruel and inhuman treatment. My position requires that I prosecute but it does not require that I be a party to cruel and inhuman treatment of any individual.

I might add that we have also notified the authorities in our State Capital of our position in this matter in order that they might close their files on the extradition.

Thanks again.

—Jim Garrison
District Attorney
New Orleans