

Attica And Reality

By TOM WICKER

The McKay Commission has concluded that Governor Nelson Rockefeller should have gone to Attica before permitting the armed assault that recaptured the prison last September. But the commission also observed that this question "has tended to overshadow all other issues as a subject of public debate," and that is both true and too bad.

Had the Governor gone to Attica, the deaths of 39 persons killed in the assault might, or might not, have been avoided; no one will ever know. As the commission stated, at least Mr. Rockefeller's presence might have acted as a restraint on the attackers; as some of the special observers' committee believed at the time, personal exposure to the lethal atmosphere of tension and hatred prevailing at Attica just before the attack might have altered his view on how to proceed.

All that is speculation. What is certain is that the failure at Attica was not a failure of Nelson Rockefeller alone. It was not a failure of Commissioner Russell Oswald alone, or of the miserably misnamed "corrections" department he heads, or of the observer committee, or of the prisoner leaders—not even of the state troopers and corrections officers who made the clumsy attack, and the officials who were supposed to restrain and discipline them. They all failed in one way or another to prevent the prisoner uprising and its bloody aftermath; but the essential failure was more general, even national—an inhumane and ineffective penal system as part of an inhumane and ineffective criminal justice system that springs from a society indifferent to the inhumanity and ignorant of the ineffectiveness.

This is not said as a retreat into meaningless generality, for which no blame can be fixed. Those troopers who fired wantonly and indiscriminately into the mass of prisoners should not be granted by inaction the amnesty the state refused to extend to the prisoners. Neither should those who failed to stop such violence, or the corrections officers who violated orders by firing their own weapons, or those who later carried out brutal reprisals. The prison-

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ers who slashed three others to death and participated in the beating of a guard who later died, if they can be identified, should be held responsible for their acts. So should anyone else, prisoner or observer or official, from the Governor on down, who can be shown to have specific responsibility for a specific crime.

On the other hand, the assertion of a general public culpability is not intended as a sort of fatuous do-goodism, a view that there are no criminals or that social conditions excuse every hostile act. It is not merely what Spiro Agnew has called "agoniz[ing] over the root causes of conditions that are constantly used as an excuse for some people to commit crime."

But it would be all too easy for some to conclude that had Governor Rockefeller only gone to Attica, all would have been well. It would be just as easy for others to conclude that had Mr. Oswald ordered the prison recaptured by force on the first day of the uprising, there would have been no problem. It would be all too easy to conclude that nothing was really wrong at Attica but a few individual failures, and to ignore the real problems that came to bloody fruition there.

One of these real problems is the practice of incarcerating men like animals in their cages, in fortress-like prisons closed to the public eye and located for the most part far off the beaten path, with these prisons manned by untrained, underpaid, often frightened civil servants, mostly whites, placed in total control (so long as they can maintain it) of prisoners, mostly blacks and other minorities, separated abruptly from home, community, jobs, sex, amenity and hope.

Another real problem is that many of these prisoners know themselves to have been unfairly or capriciously or callously treated by police anxious for arrests, prosecutors hungry for convictions, defense counsel of inadequate skills and preparation, courts too often incapable of speedy trial and reasonably certain justice, arbitrary parole boards, and bureaucratic and inflexible procedures throughout a criminal justice system that can neither protect the innocent adequately, punish the guilty surely, nor effectively distinguish between the two.

The real problem, finally, is that prisoners, by and large, do come from the lowest and most hopeless economic classes and the worst social conditions, do suffer dehumanizing and degrading conditions that offer little physical security, less comfort, the most limited legal rights, virtually no training—much less motivation—for the future, and few opportunities for self-improvement.

For all these reasons, prisons make men worse rather than better, cause crime rather than prevent it, endanger society rather than serve it. For all these reasons, and whatever the specific guilt of individuals, those who administer criminal justice in America, as well as the public and the politicians who tolerate its inhumanity and ineffectiveness, are stained with the blood of Attica.