

Carey Says He 'Would Welcome' U.S. Role in Attica Investigation

By TOM GOLDSTEIN

Governor Carey said yesterday that he would welcome the participation of United States Attorney General Edward H. Levi in the investigation of the Attica prosecution.

The statement by the Governor, who has already pledged himself to the appointment of a lawyer "of outstanding reputation and integrity" to review the Attica prosecution, came in response to a request by the New York Civil Liberties Union for a Federal investigation.

"Should the United States Attorney General wish to cooperate in any way in this matter, his participation would be welcomed," the Governor said in a statement released by Robert Laird, his press secretary.

"The Governor is determined to see the right thing done," Mr. Laird said.

In a letter to Mr. Levi released yesterday, Ira Glasser, executive director of the Rights group, said that "it is difficult to avoid the conclusion that the entire official state investigation of Attica and its aftermath has been corrupt and unjust."

In Washington, a Justice Department spokesman said that Mr. Glasser's letter had been referred to its Civil Rights Division for study and a recommendation.

In October, 1971, shortly after the Attica revolt, the Civil Rights Division, at the request of then Gov. Nelson A. Rockefeller

of charges by inmates at the Attica Correctional Facility that they were being mistreated by law-enforcement officers.

Technically, that inquiry is still open although no Federal grand jury was convened. William O'Connor, deputy attorney general in the Civil Rights Division, said two days ago that the investigation had not been pursued actively because "the state appeared to be doing its job."

In his letter, Mr. Glasser said that "a Federal investigation is required" in the Attica prosecution "as it was in the Hampton shooting in Illinois, the Algiers Motel incident in Michigan, the Orangeburg massacre in South Carolina and the Kent State killings in Ohio."

Mr. Glaser urged the Attorney General to conduct an investigation of a charge made by Malcolm H. Bell, a former chief assistant Attica prosecutor, that Anthony G. Simonetti, the chief prosecutor, had covered up possible crimes by law enforcement officers.

In a 17-page report accompanying his letter, Mr. Glasser listed instances of what he considered to be misconduct by the prosecution in indicting inmates "upon flimsy evidence," by withholding "exculpatory and conflicting evidence from both the grand jury and the defense," and in rewarding inmates "in return for evidence."

He also urged an investigation of what he called "a conspiracy by state officials at the highest levels to conceal

NYT

4-16-75