

Enough Investigations . . .

The principal result of Special Deputy Attorney General Bernard S. Meyer's Attica study—which, counting the prosecution and the McKay Commission's study, makes it the third investigation in the almost four-and-a-half years since the rebellion—is another study.

It is as if Attica, tainted as it was by violence, intense emotion and bad judgment, has become the tar baby of New York justice. Now, Alfred J. Scotti, former chief assistant district attorney in New York County, is stuck with the task of repairing irreparable damage.

The harm already done to the notion of equal justice is breathtaking. After noting the number of deaths inflicted in retaking the institution by law-enforcement officers, the report states, “. . . it is beyond cavil that, at present writing, four years after the riot, 62 inmates have been charged in 42 indictments with 1,289 separate counts while but one indictment, for reckless endangerment, has been handed up with respect to a crime by a State Trooper. . . .” Under the weight of such facts, the report's conclusion that there was “an imbalance in the prosecution,” seems restrained beyond reason.

Though Justice Meyer found that there had been no cover-up as charged by former assistant Attica prosecutor Malcolm Bell, the chief Attica prosecutor, Anthony G. Simonetti, misreads the report when he claims that it cleared “my good name and reputation.”

Justice Meyer's assessment of Mr. Simonetti's work is devastating. The Special Deputy Attorney General based his call for a new independent reviewer on Mr. Simonetti's “mistakes of judgment . . . his failure to appreciate the importance in the interest of even-handed prosecution of pressing for additional resources, and the indifference of the rehousing investigation. . . .”

Nevertheless, Justice Meyer's call for yet another Special Deputy Attorney General to redress the imbalance of justice seems at once late and weak. The report notes that the failure to gather evidence properly and to safeguard it has made prosecution of law-enforcement officials for shooting violations “nearly impossible.” The same can be said of criminal acts of brutality to inmates during the rehousing.