

Governor Urged to Focus Attica Study on State Aides

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The New York Times
Arthur L. Liman wrote to Governor Carey on Attica.

In a letter to Governor Carey, the lawyer who served as general counsel of the state's Special Commission on Attica has urged that the new investigation of the Attica prosecution focus on identifying state officials who "established and condoned" the priority of prosecuting inmates ahead of law enforcement officers.

"It is indisputable that the prosecution team assigned a lesser priority to the investigation and prosecution of crimes by officers than by inmates," the counsel, Arthur L. Liman, said in a three-page letter that he sent Tuesday and released yesterday.

Mr. Liman said that this assignment of priorities "accurately reflected the attitude of a state government" headed by Gov. Nelson A. Rockefeller "who complimented the state police on the bloody assault and who revealed at his confirmation hearings as Vice President that he has yet to read the report of his special commission."

The release of Mr. Liman's letter came as Attorney General Louis J. Lefkowitz prepared to name a special deputy to investigate the Attica prosecution.

Mr. Lefkowitz said yesterday that the field had been narrowed to "half a dozen names." The appointment is expected to be made today or tomorrow.

Interest Maintained

Mr. Liman, a partner in the law firm of Paul, Weiss, Rifkind, Wharton & Garrison, has maintained an intense interest in Attica since the so-called McKay Commission issued its final report on Sept. 13, 1972, a year after the revolt was quelled.

"What occasioned the letter," Mr. Liman said yesterday, "was the decision to name a special prosecutor. It seemed to me that the members of the commission should make known our views on what the focus of the investigation should be."

Mr. Liman said that it was his first communication directly with Governor Carey on the Attica investigation, although he has frequently spoken publicly on the issue and complained about the absence of indictments against law enforcement officers.

The nine-member McKay commission, named for its chairman, Dean Robert B. McKay of New York University Law School, was established by Governor Rockefeller to reconstruct the events of the Attica revolt and to determine why they happened. At the same time, the Governor named a special prosecutor to handle the criminal investigation.

Mr. Liman is credited with

being the individual most responsible for the research and written report of the commission, which concluded, in part, that "indiscriminate shooting" by the assault force had taken place and that correction officials had taken "vengeful reprisals" on inmates.

It also faulted Governor Rockefeller for not going to the apstate prison before ordering an armed assault on the rebel inmates.

In the 33 months since the report was issued, 62 inmates have been named in 42 indictments, but no state troopers or correction officers have been indicted although 39 persons died from their gunfire during the retaking of the prison.

Cover-Up Charged

Last week, The New York Times disclosed that Malcolm H. Bell, a former chief assistant Attica prosecutor, had charged that Anthony G. Simonetti, the current chief prosecutor, had covered up possible crimes by law-enforcement officials.

Last Saturday, Governor Carey and the Attorney General said that a special deputy attorney general would be appointed to investigate the prosecution.

It was the events of the last several days, Mr. Liman said, that prompted him to write the Governor.

Last September, in an Op-Ed Page article in The Times in which he collaborated as au-

thor, Mr. Liman complained about "one-sided prosecutions" and the absence of "a single indictment against a policeman or correction officer."

In his letter, Mr. Liman said that most of the nine members of the commission whom he contacted in the last week "would welcome an impartial investigation which will pick up where our investigation left off."

But Mr. Liman said that it would be a "mistake" if "the new investigation was devoted only to resolving the dispute between Mr. Simonetti and Mr. Bell."

Robert Laird, the Governor's press secretary, said there would be no comment on Mr. Liman's letter. But, he said, the special deputy's mandate will encompass the entire investigation made by the special Attica prosecutor's office.