

EX-JUDGE TO HEAD INQUIRY ON ATTICA

APR 18 1975

Meyer, a Lawyer in Nassau,
to Investigate Charges
of Cover-Up on Crime
NYTimes

By M. A. FARBER

Bernard S. Meyer, a former State Supreme Court justice in Nassau County, was named yesterday to head the independent inquiry into the charge that the chief Attica prosecutor covered up possible crimes by law enforcement officers.

The appointment of Mr. Meyer, a 58-year-old Democrat who is now a lawyer in Mineola, L.I., was announced by Governor Carey and Attorney General Louis J. Lefkowitz.

Mr. Meyer was then sworn in as a special deputy assistant Attorney General, assigned to "evaluate the conduct" of the state's three-year investigation and prosecution of crimes arising from the Attica prison riot in September, 1971.

"Judge Meyer has earned the highest respect of his colleagues in his service as a lawyer and a judge," Mr. Carey and Mr. Lefkowitz said in a joint statement. "As a Supreme Court justice, he was known for his ability and fairness. As a lawyer, he has gained a reputation for thorough preparation and able presentation. He has impeccable integrity."

The cover-up charge against the chief Attica prosecutor, Anthony G. Simonetti, has been made by Malcolm H. Bell, a

Continued on Page 54, Column 4

Continued From Page 1, Col. 3

former chief assistant to Mr. Simonetti. Mr. Bell conducted most of the grand jury hearings on possible crimes by state troopers and correction officers who quelled the Attica rebellion.

Mr. Simonetti has categorically denied the charge.

Mr. Meyer's selection was strongly praised yesterday by proponents of an independent inquiry, including Mr. Bell's lawyer, Robert P. Patterson Jr., and Cyrus Vance, president of the Association of the Bar of the City of New York.

Mr. Patterson called Mr. Meyer "an honorable fellow, a fine man, a person of integrity and a first-rate lawyer by all accounts." Mr. Vance described the former judge as "an excellent man—highly qualified and of great ability."

Some lawyers, however, expressed concern about Mr. Meyer's "toughness" and his lack of experience in criminal matters. Mr. Meyer, according to a law partner, John F. English, has never tried or presided over criminal cases.

Some lawyers, however, suggested that Mr. Meyer was "not tough enough" and expressed concern about his lack of experience in criminal matters. Mr. Meyer has never tried or presided over a criminal case.

In an interview, Mr. Meyer said that his inexperience in criminal cases would be easily overcome. "This assignment is

really a question of evaluating evidence and witnesses, as in all adversary proceedings, and that's what I did during my 14 years on the bench."

Mr. Meyer said that he had had no previous involvement with the Attica investigation and prosecution, "although I followed it closely in news stories."

The special investigator said it would be "injudicious" for him to state any views he had developed about the uprising or its aftermath, "even if I had any."

Mr. Meyer will have the power to examine secret grand jury minutes, subpoena witnesses and documents and take sworn testimony. He has been promised whatever staff assistance he needs and will be paid \$150 an hour, up to \$35,000. Mr. Meyer said the hourly rate was less than he normally received as an attorney.

The special investigator, who will not present evidence to a grand jury, is scheduled to report to both Mr. Lefkowitz and Mr. Carey within "30 working days." Although some lawyers doubt that Mr. Meyer can complete his assignment by that deadline, a spokesman for Mr. Carey said the governor's office expected any extension to be "only a matter of a few days."

Given Free Rein

According to Robert Laird, the Governor's spokesman, Mr. Meyer is free to study any aspect of the Attica investigation—going beyond Mr. Bell's specific charge and Mr. Simonetti's denial.

Mr. Meyer said he would decide "how far afield I might go, if I have to go far afield" after he began his investigation. He said that "a lot" rested on the amount of time he was allotted.

The former judge, who was divorced and is remarrying today, plans a "working honeymoon" in the next few days while he examines documents relating to the alleged Attica cover-up.

Mr. Meyer stressed that his final report would "eventually" be made public, with the date of its release depending on the status of the Attica grand jury hearings and "the rights of individuals."

Mr. Bell, who, like Mr. Simonetti, promised "full cooperation" with Mr. Meyer yesterday, first made his accusation of a cover-up in his letter of resignation to Mr. Lefkowitz last Dec. 11.

He sent a 160-page report on the charge to Mr. Carey on Jan. 30, after concluding that the Attorney General did not intend to pursue his allegation. The New York Times disclosed the charge last week.

In his letter of resignation, Mr. Bell said that "substantial evidence" pointed to crimes by law-enforcement officers who put down the Attica rebellion.

Bell's Charge

But Mr. Simonetti, he asserted, "repeatedly refused to allow witnesses to be called, questions to be asked, leads to be followed and legal and logical conclusions to be utilized which will allow a fair presentation" of the cases to the grand jury.

Sixty-two inmates have been named in 42 indictments stemming from the Attica revolt. No state troopers or correction officers have been indicted, although 39 persons died from their gunfire during the storming of the prison on Sept. 13, 1971.

Technically, Mr. Meyer was appointed by Mr. Lefkowitz but he was said to have been proposed as special investigator by the Governor's office.

Mr. Meyer, a tall, energetic man, was born and reared in Baltimore and graduated from Johns Hopkins University and the University of Maryland Law School. He moved to New York in 1947 and engaged in a law practice that included commercial, corporate, estate and real estate cases.

Mr. Meyer became Democratic county chairman in Nassau and when he was elected to the State Supreme Court in 1958 he was succeeded as county chairman by John F. English, who is now one of the seven partners in the law firm of Meyer, English and Cianciulli in Mineola.

The special investigator served on the State Supreme Court until 1972, when he lost a race for a seat on the State Court of Appeals.

In recent years Mr. Meyer has been approached to head a number of special state inquiries, including those into the nursing home industry and the operation of the Urban Development Corporation.

Mr. Meyer, who was chairman of a committee of judges that wrote the manual on how to instruct juries in the state, was once described by Mr. English as "the best judge in the United States."