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Report on Attica Accuses Lawmen

ALBANY, N.Y., Dec. 22 (UPI)—Lawmen retaking Attica prison in 1971 committed "acts of brutality," but there was "no intentional cover-up" of official misconduct, according to a report released by Gov. Hugh L. Carey.

"Clearly the state has dealt unfairly with the inmates, and affirmative action is necessary to correct the situation," former state Supreme Court Justice Bernard Meyer said in the report.

In releasing the report Sunday, Carey appointed a special prosecutor to determine whether indictments of law officers are warranted and to oversee the work of a prosecutor already directing investigations of the rebellion. Appointment of the special prosecutor had been recommended by the report.

Carey had asked Meyer to look into charges of "selective prosecution" of inmates in the aftermath of the Sept. 9-13, 1971, rebellion.

Of the 43 persons killed during the rebellion, a guard and three inmates were believed slain by prisoners. Thirty-nine inmates and hostages died from police bullets in the retaking, and 89 others were wounded.

Meyer noted that one law enforcement officer has been indicted in the riot while 62 inmates have been charged.

But he told Cary that errors by state police and "mistakes in judgment" rather than a cover-up by chief Attica prosecutor Anthony Simonetti were responsible for the "imbalance."

Simonetti said he is "gratified" by the report's finding of no cover-up, but denied that he had made errors of judgment.

The Meyer report said "more force was used than necessary" in the police assault that ended the rebellion, and that authorities committed "criminal acts of brutality" against inmates once the revolt was over.

But Meyer rejected blanket amnesty. He urged instead that each case be examined for possible dismissal or clemency. He also asked the legislature to make inmates eligible for state compensation for injuries stemming from the revolt.

Malcolm Bell, Simonetti's former top aide, had charged that crimes committed by law enforcement personnel had been whitewashed. Bell quit in December 1974, and later sent to Carey a 160-page statement of charges that formed the basis of Meyer's probe.

Meyer said Bell's charges that Simonetti obstructed the prosecution of lawmen for "murder or other shooter (sic) crimes and for perjury" were "not sustained by the record."