

NYTimes DEC 31 1976
Text of Statement by Gov. Carey
On Inquiries Into Attica Uprising

Following is the text of a statement by Gov. Carey on the investigations into the uprising at Attica in 1971:

The Governor of the State of New York has the constitutional responsibility to "take care that the laws are faithfully executed." That responsibility places a constitutional imperative upon the Governor to insure equal justice for all citizens of the state. No government can command the confidence and respect of its people without a firm commitment to the principle and practice of evenhanded justice.

The facts and circumstances recounted in the reports of Special Deputy Attorneys General Meyer and Scotti make it irrefutably clear that the state, through its highest officials, failed abysmally in upholding this principle in the handling of Attica investigation and prosecution in the first half of this decade. Due to insensitivity to their constitutional responsibilities, equal justice by way of further prosecutions is no longer possible.

Two independent investigators that I caused to be appointed have documented the one-sided nature of the prosecutions. The failure to take early and vigilant action to insure a vigorous, thorough and impartial investigation and prosecution of all crimes committed during the tragic five days in September renders futile any further attempts to secure even a semblance of equal justice now through further prosecution. These independent investigations and another have documented.

¶The failure to properly plan the assault and to properly instruct the men (Meyer Report p. 8; McKay pp. 341-366).

¶The failure to properly plan for the preservation of evidence and to properly collect it once the retaking had ended (Meyer Report p. 8, 51; Scotti's statement to the court 2/26/76 p. 6-7).

¶The failure to properly budget and administer the investigation (Meyer Report p. 9, 75-77).

¶The failure to perceive these deficiencies at the outset of the investigation and to take whatever action could have been taken to develop evidence pertaining to possible crimes by law-enforcement personnel (Meyer Report p. 48, 54, 119-20; Scotti's statement to the court 2/26/76 p. 6).

'Abundantly Clear'

The two independent investigations have made it abundantly clear to me that these repeated failures have effectively precluded the possibility now of bringing to justice, by trial or dis-

ciplinary action, any armed personnel who were misdirected or abused their authority in the retaking of the facility and rehousing of the inmates.

During the months since I received these reports, I have personally read, reviewed and analyzed all of the materials with respect to the Attica uprising, retaking, investigations and prosecutions. In so doing, I have come to the most distressing, indeed the most disappointing moment in my tenure as Governor of this state. For I now must conclude that the conduct of this investigation and prosecution has been such that we now confront the real possibility that the law itself may well fall into disrespect. Hence, I have concluded that, as Governor, I have the final responsibility to bring this tragic affair to a conclusion which, however unsatisfactory, will foster respect for our system of justice as one capable of recognizing and correcting its wrongs.

In addition, beyond what I see as my constitutional responsibilities, as an elected leader of our state, I am moved to recognize that Attica has been a tragedy of immeasurable proportions, unalterably affecting countless lives. Too many families have grieved, too many have suffered deprivations, too many have lived their lives in uncertainty waiting for the long nightmare to end. For over five years and with hundreds of thousands of dollars and countless man-hours we have followed the path of investigation and accusation. We have succeeded in dividing and polarizing the people of the state without satisfying the quest for justice in this tragedy. To continue in this course, I believe, would be merely to prolong the agony with no better hope of a just and abiding conclusion.

A Time to 'Close the Book'

Attica lurks as a dark shadow over our system of justice. The time has come to firmly and finally close the book on this unhappy chapter of our history as a just and humane state.

I am therefore accepting the recommendations of Superintendent Connellie and Commissioner Ward that no disciplinary action be commenced against the 20 state officers and employees identified by Mr. Scotti. I also accept the recommendation of Mr. Scotti that six inmates convicted of crimes committed at Attica be granted a pardon for these convictions. In addition, I am extending clemency to the two other inmates convicted of Attica-related



The New York Times

A military helicopter dropping tear gas into the Attica Correctional Facility in September of 1971 as state police entered to quell the riot.

crimes—one will be pardoned, and the Attica related sentence of the other will be commuted, making him eligible for parole.

These actions should not be construed as a reflection of a lack of culpability for the conduct at issue. Rather, these actions are in recognition that there does exist a larger wrong which

transcends the wrongful acts of individuals caught in the seamless web into which the tragedy of Attica has spun itself. They are in recognition of the immutable principle in our society that the state itself should not sanction the maintenance of legal proceedings out of harmony with the principles of equal justice.