

The Attica Pardons

By M. Northrup Buechner

Through due process of law, eight criminals were convicted of committing murder and other crimes during the 1971 Attica prison riot. Governor Carey has pardoned seven of them (and commuted the sentence of the eighth) on the grounds that there is insufficient evidence to prosecute the police.

The concrete meaning of the principle implied by the Governor's action is this: Any criminal shall go free whenever there is any indication that the police involved in his case ever did anything illegal. This astounding and vicious concept of "equal justice" would in effect require that for every criminal convicted a policeman must be also, if the system is to be "fair."

For five years, the opinion leaders of this city have been repeating over and over, time after time, "not a single law-enforcement officer has been tried for his actions at Attica," suggesting over and over, time after time, as if mere repetition could make it true, that the lack of such trials was self-evident evidence of a serious failure of justice. This view now has been embraced explicitly by the Governor.

The things that this view ignores and evades are so open and flagrant that it is morally offensive to have to state them. The Attica horror was *initiated* by the criminal inmates. It was the criminals who seized innocent hostages and threatened to murder them if their demands were not met. It was the criminals who created the situation that necessitated the forcible retaking of Attica by the state police, who did so at the risk of their own lives and because it was their job.

The final responsibility for the 43 deaths that resulted belongs with the *criminals* and no one else. It is a terrible injustice that so few of them have been punished so inadequately.

The fundamental cause of our skyrocketing crime rate was never more clearly seen than in this case where, from the beginning, all the moral indignation of our intellectual leaders

has been directed at the police rather than the criminals.

Whatever the mistakes, errors, or even criminal abuse of authority (which has not been proved) by some members of the state police under those critically difficult conditions, they are nothing next to the monstrous outrage of the criminals who threatened the cold-blooded murder of disarmed victims. It is usually ignored that the purpose of retaking Attica was to save those intended victims and that most of them, in fact, were saved.

The Governor justifies his pardons as necessary to maintain "respect for the law." Whose respect? The pardons themselves as well as his formal statement tell us, incredibly, that it is the criminals' respect for law that his is pursuing; the respect of their victims, the victim's families, the police and the general law-abiding population is treated as irrelevant.

In fact, the respect the citizens of this state have for its criminal-justice system is desperately, dangerously low. It could hardly be anything else when that system consistently thwarts the police and rewards the criminal. If Governor Carey really had been concerned about this, he could have dismissed the charges against the police and recommended the addition of 10 years to the sentence of every criminal who participated in the Attica riot.

Instead, he has perpetrated an act of brutal, brazen injustice, besmirching the police in his official statement, while pardoning convicted criminals *because* there is no evidence to prosecute the police. The criminals are treated as innocent though proved guilty; the police as guilty without evidence or proof.

It is as clear a green light to the criminal population as could conceivably be given by the chief law enforcement officer of the state. Anyone who values his life and property should protest it in every way open to him.

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