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# Attica Victory

(ANS/Militant)—On December 30 New York Gov. Hugh Carey announced that he was granting clemency to the Attica defendants and all others involved in the 1971 prison rebellion. In response to continuing public support for the Attica brothers, Carey moved to "firmly and finally close the book on this unhappy chapter of our [state] history".

Carey said he was accepting the recommendation of special prosecutor Alfred 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 crimes — one will be pardoned and the Attica-related sentence of the other will be commuted, making him eligible for parole."

The governor said that "Attica lurks as a dark shadow over our system of justice". After reading, reviewing, and analysing the materials on the Attica revolt, Carey says he concluded 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".

Carey pointed out that "two independent investigators 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. . . renders futile any further attempts to secure even a semblance of equal justice now. . ."

A semblance of equal justice was certainly not secured in past court proceedings. Not one guard or state trooper was indicted in the slaughter that left 43 people dead, including 10 hostages. One cop was indicted on the minor charge of reckless endangerment, but this charge was later dismissed.

Yet 62 prisoners — mainly Black and Puerto Rican — received 42 indictments for 1,289 crimes, including murder.

The Attica prisoners were revolting against the

inhuman conditions in the prison. They were asking for better food and housing. They wanted religious freedom and adequate medical treatment. They asked for guards who could speak their language and were of their own race.

The hostages they held were not harmed. But that didn't matter to New York Officials, who — as a New York Times editorial put it — “were more interested in retaking the institution than in saving human life. . .”

That's putting it mildly. Helicopters dropped tear gas. Armed guardsmen and state troopers stormed the prison behind the gas blanket. They fired on orders to shoot to kill. And kill they did — savagely.

The families of the prisoners murdered in that bloody massacre must certainly feel the truth in Carey's official admission most acutely. It was their fathers, sons, husbands and relatives who were murdered.

The prisoners who were wounded, framed up and terrorised into lying for the prosecution — and the families of the slain hostages — will also not forget the state's disregard for human life that day.

The Attica brothers' defense attorneys have been forced for more than five years to overcome almost impossible odds. They have had to present cases in trials where evidence was missing or fabricated. Prosecution witnesses gave rehearsed testimony. Charles Crowley, a prisoner, was beaten and terrorised into lying for the prosecution.

But the horror of the Attica assault encouraged thousands to rally to the support of the framed-up prisoners. Rallies and demonstrations were organised in cities across the country and in other prisons. As New York State investigations — prompted by these protests — uncovered more of the truth about this flagrant miscarriage of justice, public sentiment continued to mount.

As a result, prosecutors were forced to drop many of the charges and some acquittals were won.

Now these ongoing protests have also forced Carey to announce his clemency decision. The governor evidently felt that his action was necessary to restore public confidence — in his words — in “the principle and practice

of evenhanded justice".

This is good news for the men with charges still hanging over them, especially John Hill, an American Indian. Hill was convicted of killing a prison guard in the early days of the prison revolt. With the murder charge commuted, Hill will soon be eligible for parole

When asked by the Militant, Lenny Klaif, one of the lawyers who served on the case, said that Hill was "sure to get out". Klaif also pointed to the lawsuits that individual prisoners have filed against the state and the guards. Klaif feels the obstacles to hearing these suits have lessened.

Carey hopes his decision will end the attention that has been focused on the role of the government in the massacre — and the role of Nelson Rockefeller, who was governor at that time.

Rockefeller could have ended the rebellion peacefully and humanely by granting the prisoners' just demands. He refused. Instead of meeting with the prisoners, he met with President Richard Nixon. The result was the shoot-to-kill order that ended in more than forty deaths.

Carey has no plans to right this wrong. His December 30 statement made it clear that no action will be taken against "any armed personnel who were misdirected or abused their authority in the retaking of the facility and rehousing of the inmates". Not to mention against Rockefeller!

This will only continue the whitewash of the state's actions in the Attica massacre.

Carey's decision recognises at long last that the victims at Attica were victimised. That's good!

But the evenhanded justice that Carey promised will not be had until a full investigation into the massacre has been made and all those responsible for the murders — no matter how high up — have been indicted and convicted.

