

Knapp and Lindsay Agree Mayor Should Not Testify

By DAVID BURNHAM

Mayor Lindsay has been privately questioned by the chairman of the commission investigating police corruption in New York and the alleged failure of high city officials to act on specific reports of corruption.

Whitman Knapp, the chairman, said yesterday that one of the results of the meeting was that both he and the Mayor agreed that calling Mr. Lindsay to testify publicly would be a "political fiasco" in the sense that it would divert attention from the efforts of the commission to reduce corruption.

Mr. Knapp said the main purpose of the meeting he had requested was to question Mr. Lindsay about the steps taken

after allegations of corruption were presented to Jay Kriegel, a mayoral assistant.

Mr. Kriegel and former Police Commissioner Howard R. Leary are scheduled to testify today during the last session of the commission's current series of hearings about the reaction of various officials to reports of corruption from Detective Frank Serpico and Sgt. David Durk.

The commission last week heard both State Supreme Court Justice Arnold G. Fraiman, the City Investigation Commissioner from 1966 to 1968, and former First Deputy Police Commissioner John F. Walsh acknowledge that they had not acted on the reports.

The commission also heard testimony from both Detective Serpico and Sergeant Durk that specific allegations of grafting among plainclothes men in the Bronx were given to Mr. Kriegel in April or May, 1967.

As the result of police investigation that started in October, 1968, without any intervention by Mr. Kriegel, Mr. Fraiman or Commissioner Walsh, 10 police-

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men were indicted on criminal charges and 11 others were charged with violating department regulations.

Mr. Knapp, who first briefly mentioned his meeting with Mayor Lindsay on WCBS-TV's "Newsmakers" program yesterday, gave further details in a subsequent interview.

Mr. Knapp said the previously unannounced meeting with the Mayor took place last Monday and lasted about an hour. Present at the session, in addition to the Mayor, were Mr. Kriegel, First Assistant Corporation Counsel Norman Redlich, the commission counsel, Michael F. Armstrong, and Mr. Knapp.

Mr. Knapp said no stenographer was present to record what was said at the meeting. "I questioned him for my information, not yours," Mr. Knapp told newsmen.

A Matter of Focus

The chairman, noting that he believed the purpose of the commission was to focus on police corruption, said that if Mayor Lindsay was put on the stand "no one would give a hoot about anything, except how they could get questions out of him which would either advance or retard his present political activities."

"I'm not going to have my commission play a part of such a performance," Mr. Knapp continued.

Mr. Knapp said that he did not give "a tinker's dam" about the career of Mr. Lindsay "but that he could not put the Mayor on the witness stand without turning the hearings into a "political circus" and thus divert attention from fighting police corruption.

"If he [Mr. Lindsay] wants national television time he can arrange it himself," Mr. Knapp observed. The chairman was asked whether the Mayor, who formed the commission in May, 1970, after the publication of charges of widespread police

corruption, had ever attempted to squash any part of its investigation. "I can categorically say there are no grounds for such suspicions," he replied.

Mr. Knapp repeated his assessment, originally stated last July 1 on the release of the commission's interim report, that Mayor Lindsay as the chief executive had to be held partially accountable for what happened in a department as important as the police.

"The Mayor is responsible for every good or bad thing that goes on in his administration," Mr. Knapp said. "Whether he can do anything about it, is another question."

The commission chairman, commenting on why Mr. Leary had been asked to testify, said, "I think everyone would feel

we were hiding something if we didn't put him on."

Mr. Knapp said last summer that Mr. Leary had a lot to answer for because of his failure to provide adequate leadership within the Police Department against grafting.

In another area, Mr. Knapp said he believed Justice Fraim's failure to investigate or pass on to another agency the allegations of Detective Serpircio were "a bad error in judgment."

The hearings are scheduled to start today at 10 A.M. in the Grand Hall of the Chamber of Commerce at 65 Liberty Street. The first witness, Mr. Knapp said, would be Mr. Leary, who then will be followed by Mr. Kriegel.