

# Troy Demands Knapp Call 2 Who Charged City Cover-Up, but Panel Rejects Idea

## ACCUSATION OLD, COMMISSION SAYS

### Queens Councilman Wanted Serpico and Durk to Tell of Information Offers

By MARTIN ARNOLD

Councilman Matthew J. Troy, the Queens Democratic leader, demanded yesterday that the two policemen who had charged city officials with covering up police corruption to protect Mayor Lindsay be subpoenaed to testify before the Knapp Commission.

The two policemen were Detective Sgt. David Durk and Patrolman Frank Serpico, now a detective. It was their work in uncovering police corruption that led to the establishment of the Knapp Commission.

The commission has decided not to call either man to testify, on the ground that their story had already been made public.

The two had charged that they told a number of officials about police corruption and that the officials had done nothing about it. Among the officials, they said, were Jay L. Kriegel, Mayor Lindsay's chief of staff and the aide in charge of monitoring the police, and Arnold G. Fraiman, then the city's Commissioner of Investigation and now a State Supreme Court justice.

Mr. Troy made his demand in a telegram sent yesterday to Percy Whitman Knapp, chairman of the Knapp Commission. The telegram said:

"Because of serious charges made by Sgt. David Durk that Jay Kriegel and Arnold Fraiman, now a Supreme Court judge, deliberately covered up concrete acts of corruption to protect Mayor Lindsay's image, which facts were presented by Sgt. Durk and Frank Serpico, I demand that your commission subpoena these two police officers to testify.

"If they are not called by you, it will give credence to a strong rumor that your commission is in business solely to protect the administration from being connected with the corruption probe."

#### Reply by Knapp

Mr. Knapp, when asked last night about the Troy demand, said:

"I am not going to discuss the question of political responsibility in the public hearings. It is not appropriate. Any question of political responsibility that the commission wishes to discuss will be dealt with in the [final] report."

In his statement announcing the public hearings Mr. Knapp had said: "Being explosive in nature, these hearings will not deal with recommendations for reform or with attempts to fix responsibility for such conditions as have been found to exist."

The events leading up to establishment of the Knapp Commission started Jan. 5, 1970, when Sergeant Durk and Patrolman Serpico went to The New York Times with reports of corruption within the Police Department.

Sergeant Durk and Patrolman Serpico told The Times that besides giving their information to Mr. Kriegel and Mr. Fraiman, they also gave it to Deputy Mayor Robert M. Morgenthau, a former United States attorney, and to members of a Federal task force investigating crime in the metropolitan area.

All expressed interest but none acted, Sergeant Durk asserted. Deputy Mayor Morgenthau, who had intended to study the problem, resigned shortly thereafter to seek the Democratic nomination for Governor.

#### Kriegel's Reasons

Mr. Kriegel, according to Sergeant Durk, said that he did not want to open an investigation into police corruption because of the possibility that the city was facing a summer in which there might be street violence and he did not want to upset the police at that time.

Members of the Federal task force said they could not jeopardize their cooperation with the city police by undertaking such an investigation.

Justice Fraiman was to say later that neither Sergeant Durk nor Patrolman Serpico gave him specific details to investigate—charges that both men denied.

The Times, which had been investigating reports of police corruption, then went on with its inquiry, using information it and received from Sergeant Durk and Patrolman Serpico as well as from Inspector Paul Delise and from policemen who did not want their names used.

Several days before The Times was ready to publish the story Mayor Lindsay learned that such an article was being written.

He announced, on April 23, 1970, the formation of a committee headed by Corporation Counsel J. Lee Rankin to investigate charges of corruption within the Police Department and the allegation that high-ranking officials had failed to investigate specific acts of corruption when these were brought to their attention.

The following day the article appeared.

But the so-called Rankin

Committee lasted only three weeks, because a number of critics, including Representative Edward I. Koch, Democrat-Liberal, of Manhattan, said its members could hardly be expected to examine the evidence impartially. The members included Howard R. Leary, who was then Police Commissioner, and two District Attorneys.

#### Knapp Group Formed

On May 21, 1970, the Mayor appointed the so-called Knapp Commission to make the investigation. The commission's official title is the Commission to Investigate Alleged Police Corruption. It is headed by Percy Whitman Knapp, a 62-year-old Wall Street lawyer who once served as an assistant district attorney under the late Thomas E. Dewey when Mr. Dewey was District Attorney.

The commission was originally granted \$325,000 by the City Council and the power to subpoena witnesses until Dec. 31, 1970. The Council later extended the commission's life six months beyond that deadline, and the commission received \$215,037 more in the form of a grant from the Justice Department. The five-member commission has a 25-member staff.

On July 1, 1971, it released an interim report. At that time Mr. Knapp said that Mayor Lindsay "cannot escape responsibility" for the corruption it had uncovered. The official interim report concluded that the underlying problem was a climate in the Police Department that made it easier for a rookie patrolman "to become corrupt than to remain honest."