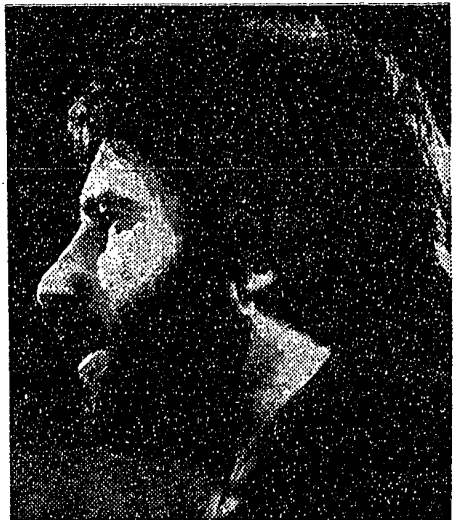


Serpico Tells of Delay on Police Inquiry



The New York Times/Lee Romero
Whitman Knapp, chairman of investigating commission, listening yesterday as Frank Serpico, bearded detective, testified about his long fight to expose police corruption.

By DAVID BURNHAM

A detective told the Knapp Commission yesterday that at least five months passed between the time he complained to high city officials of widespread police corruption and the opening of an official investigation of the charge.

The testimony of Detective Frank Serpico came as the Knapp Commission resumed its

public hearings on the extent of police corruption in New York and the alleged failure of the Lindsay administration and the Police Department to act on specific allegations of police graft.

Mr. Serpico said he had given specific names and incidents of police corruption he had wit-

nessed to Jay Kriegel, one of Mayor Lindsay's closest advisers, and Arnold G. Fraiman, then the City Commissioner of Investigation and now a Supreme Court justice.

Detective Serpico testified he also had been informed that First Deputy Police Commissioner John F. Walsh had been told of the allegations of cor-

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Detective Tells of Delay In Investigation of Police

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ruption a full eight months before the Police Department initiated an investigation of the charges.

The detective was the first witness as the commission resumed its hearings on alleged police corruption. The first series—nine days of testimony that ended Oct. 29—heard policemen and civilians tell of widespread bribes and kick-backs.

Mr. Serpico said he believed the only reason the Police Department finally initiated an investigation was that it learned he had gone outside the department—to Mr. Kriegel and the Investigation Commissioner.

Flanked by his attorney, former United States Attorney General Ramsey Clark, Mr. Serpico gave his account of repeated frustration.

Detective Serpico said Mr. Clark had volunteered his services without fee.

Facing a forest of microphones and at least 11 television cameras, the bearded, mustachioed and much-decorated detective testified in a subdued fashion to an immediate audience of not more than 300 people, many of whom were newsmen and television technicians.

Kriegel at Desk

The two key points during his three hours of testimony in the ornate and brightly lighted Great Hall of the New York Chamber of Commerce building at 65 Liberty Street came when Michael F. Armstrong, the commission's chief counsel, briefly questioned Detective Serpico about his meetings with Mr. Kriegel and Justice Fraiman in the spring of 1967.

The detective said that the meeting with both men was arranged by Sgt. David Durk, the close friend of Mr. Kriegel's. Sergeant Durk was assigned to the police unit attached to the City Department of Investigation.

Detective Serpico testified that the session between him and Sergeant Durk and the Mayor's assistant occurred on a Sunday in Mr. Kriegel's office in the basement of City Hall.

"Well' he was sitting at his desk with his feet on the desk," the detective recalled yesterday. He testified that he gave Mr. Kriegel "names, places and specifications" of the corruption he had witnessed while serving as a plainclothes man in Brooklyn and the Bronx with the responsibility to enforce the gambling, prostitution and liquor laws.

"He didn't take constant notes or anything," Detective Serpico said, adding that Mr.

Kriegel "would jump up from time to time and appear to be making notations."

Detective Serpico also said he told Mr. Kriegel about the apparent failure of the Police Department to act on the information he had already provided.

He said that Mr. Kriegel said he would have to "check to see if in fact an investigation was or wasn't being conducted, because if it was, his investigation might blow the other investigation."

Detective Serpico quoted the mayoral assistant as having said "he would discuss it with the Mayor and ascertain what was happening and what was to be done."

Fraiman Meeting Held

Several weeks later, Sergeant Durk arranged a meeting between Detective Serpico and Mr. Fraiman. The meeting, the detective testified, occurred on Memorial Day, 1967, in the den of Mr. Fraiman's apartment.

Detective Serpico said that after he had given names, places and the amounts of grafting he had witnessed, the Investigation Commissioner responded by asking, "Well, what do you want me to do about it?"

"At which time I stated I was only a patrolman, and I was merely apprising him of the facts, and that he was the Commissioner and should have more knowledge as to what to do than myself."

Detective Serpico said that after considerable discussion of various alternatives, that he was under the impression that Commissioner Fraiman had decided to place a secret recording device in a surveillance truck used by plainclothes policemen.

He said that the following day Sergeant Durk came to his apartment with the bug that was to be placed in the truck, but that a few hours later Sergeant Durk was ordered to return the bug to the Investigation Department because "it was needed in an investigation of a building inspector."

About three months before he spoke with Mr. Kriegel and Mr. Fraiman, Detective Serpico said, he had a series of meetings with Inspector Cornelius J. Behan, a police official he said he completely trusted.

The detective testified that Inspector Behan was shocked by his charges of widespread corruption in the gambling unit to which he was assigned and that the inspector had reported the allegations to Mr. Walsh, then the first deputy commissioner whose principal responsibility was fighting corruption.

Detective Serpico said Inspector Behan quoted Commis-

sioner Walsh as having advised that Mr. Serpico "continue my performance in working with the Seventh Division, and not to get involved in any corruption."

It was not until October, 1967—eight months after Commissioner Walsh reportedly was informed of the allegations of corruption and five months after Mr. Kriegel and Mr. Fraiman heard the same charges—that the Police Department began investigating the charges, Detective Serpico testified.

The investigation, when it finally got under way, resulted in the indictment of eight city policemen for perjury and the bringing of departmental and Federal charges against additional policemen.

Of the eight who were indicted by Bronx District Attorney Burton B. Roberts, two have been convicted, two have pleaded guilty and three were acquitted. One case is pending.

Of the three policemen who were acquitted, two have been dismissed from the force after departmental trials and one resigned.

Despite these results and the long delay in getting action, Mr. Serpico and Mr. Durk still attempted to get other agencies involved. Unable to do so, they approached The New York Times. The Times published a lengthy article about corruption on April 25, 1970.

Though Mr. Armstrong, in an opening statement at the beginning of the first series of hearings in October, credited Detective Serpico and Sergeant Durk with providing information to The Times that resulted in the formation of the Knapp Commission, in May, 1970, the lawyer did not ask Detective Serpico about this incident yesterday.

When Detective Serpico was

asked after the hearing whether he felt Mr. Kriegel, Mr. Fraiman and others had covered up police corruption, his attorney, Mr. Clark, would not permit him to answer, noting that this was a judgment of the commission.

In an opening statement yesterday, however, the commission chairman, Whitman Knapp—who wore dark glasses because, he said, the television lights at the first hearing had given him headaches—said the commission was planning to withhold making such a judgment at least for the time being.

"Any conclusion the commission may make will appear in its final report," Mr. Knapp said.

The commission hearings resume today at 10 A.M.