

Excerpts From Testimony Before Knapp Commission

Following are excerpts from testimony yesterday before the Knapp Commission on the fifth day of its second series of public hearings arising from its inquiry into police corruption here. The commission heard nine days of testimony in October.

Unless otherwise indicated, the questions were asked by Michael F. Armstrong, chief counsel to the commission.

The first witness was Howard R. Leary, former Commissioner of the Police Department of the City of New York. The second witness was Jay L. Kriegel, special counsel to the Mayor.

By Mr. Leary

Q. During that time [Mr. Leary's tenure], Commissioner, did you discuss policy questions with respect to the Police Department with the Mayor?

A. Yes.

Q. Did there come a time, Commissioner, when you became aware of an investigation involving corruption in the Seventh Division in the Bronx?

A. Yes.

Q. And when did you first become aware of that investigation or . . .

A. I believe Oct. 9, 1967.

Q. Was that the first you had heard of any allegations involving corruption in that particular division made by police officers or any police officer in it?

A. Absolutely. That was the first time.

Q. Oct. 9, 1967 was the date of a meeting which had taken place between or among police officers who were getting the investigation underway; is that correct?

A. That's right.

Q. Did you subsequently have a conversation with the first deputy commissioner on the subject?

A. Yes.

Q. And what was the substance of that conversation?

A. In substance it was that the investigation was going to—was in good hands up there.

Q. Then the existence of Frank Serpico and his role in this investigation necessarily came up in the course of this conversation?

A. Yes. That there was a police officer present and

who would come forward with information.

Q. So you were kept generally abreast of the investigation in brief by [First Deputy Commissioner John] Walsh in general terms as the investigation was proceeding?

A. But not in any great depth. It wasn't my practice to indulge deeply in those sort of things, because I had the full—I believed in the competency and integrity of Mr. Walsh and others who are participating in the investigation.

Q. Do you know a man named Jay Kriegel?

A. Yes.

Q. Do you recall at any time discussing the situation in the Bronx to which we have referred with Mr. Kriegel?

A. I've never discussed corruption with Mr. Kriegel.

Q. Did there come a time when you discussed the situation in the Bronx with people in the Mayor's office at the time that the publicity about it came about?

A. The only time that I—that that discussion occurred just prior to that story appearing in The New York Times. That full page presentation, whatever the date that was.

Q. Did the Mayor at this meeting indicate to you that he knew about the situation in the Bronx before it appeared in this article which was to be published in The New York Times?

A. No.

Q. (By Commissioner John E. Sprizzo). Did the Mayor ever tell you that he thought you weren't doing enough about police corruption?

A. No.

Q. (By Commissioner Sprizzo). Did you ever have any conversations with the Mayor in which the Mayor told you or in which Jay Kriegel told you that you should go cool on the question of police corruption—

A. I should what?

Q. Go cool on the question of police corruption because of the prospects of a long hot summer.

A. I never had any conversation with Mr. Kriegel relative to corruption. And No. 2 I never had any conversation with the Mayor where he in any way expressly or by implication said that the Police

Department should go cool because of the hot summer.

Q. (By Commissioner Sprizzo). One more question along those lines. Did you ever have any conversation with Inspector Walsh or Chief McGovern in which you indicated to them that they ought to go cool or easy on police corruption or bury corruption cases or anything to that effect?

A. No. That was, you know—you don't even think of things like that.

Q. (By Commissioner Sprizzo). Did you have many conversations with Mr. Fraiman concerning the question of corruption?

A. No.

By Mr. Kriegel

Q. As an assistant to the Mayor, what were your duties?

A. Among other things, I served as the Mayor's liaison with the Police Department at a staff level.

Q. Now, you did have a meeting with Frank Serpico; is that right?

A. Yes, I did.

Q. Can you tell us everything that you remember that led up to that meeting? What conversations with David Durk led to that meeting?

A. My best recollection is that David was very concerned about corruption; conveyed to me the sense that it was his opinion that it was widespread in the department.

He was trying to get me to do something about it. He told me that he knew a group of officers who had firsthand experience with the problem of corruption. And we talked about the possible idea of his pulling together a group of them to talk to the Mayor, firsthand, about the problem of corruption, and how widespread it was, to substantiate, in effect, his allegation that it was widespread in the city.

Mayor Shows Interest

Q. After your conversations with Serpico, you broached the subject of a broader meeting to the Mayor?

A. I told the Mayor that I had met with a police officer, through a mutual friend; that he had talked to me about the problem of corruption, and that they had suggested pulling together a group of

officers, like Frank Serpico, with similar stories, for the Mayor to hear this information firsthand.

The Mayor's reaction was that . . . the Mayor wanted to know what the conditions were, and I said that they were adamant that this had to be done secretly. I'm not sure exactly where it had to be done, but a totally clandestine setting, without the Commissioner's prior notice, without the Commissioner's participation, without his finding out after, and the Mayor thought that was an unreasonable way to tie his hand should any information that was real come up at that point in time.

Q. (By Commissioner Sprizzo). If I understand your testimony correctly, you said that in the spring of '67 David Durk was interested in getting at the problem of police corruption in essentially two ways, either by getting rid of everybody at the top or by an independent probe of the Police Department and was not interested in any other action on your part?

A. Precisely. David resisted any effort to allow information he gave me to be passed over to the department.

A Matter of Urgency

Q. (By Commissioner Sprizzo). At the end of this meeting, when you met Serpico and you got the kind of hard evidence you had not had previously, did you come out of that meeting with the idea that the situation required immediate attention?

A. The situation required immediate attention. The situation had been given attention. They told me that it had been reported already. It had been reported to the first deputy's also.

Q. (By Commissioner Sprizzo). Did he also tell you that they didn't think that the First Deputy was doing anything with it?

A. They told me they were dissatisfied with the pace of the investigation, yes.

Q. (By Commissioner Sprizzo). It was not moving along quickly enough?

A. Yes. And they precluded me from verifying it. I had to accept that the investigation wasn't going well, accept the veracity of all the allegations, and was handcuffed from doing anything about it.