

Book Says Knapp Laxity Saved Kriegel From Perjury Indictment

By ERIC PACE

Peter Maas, the author, says in a forthcoming book, "Serpico," that deficient questioning by the Knapp Commission was the main reason why the Manhattan District Attorney's office did not indict Jay Kriegel, a mayoral aide, for perjury in his testimony before the commission.

High officials in the District Attorney's office declined to comment on Mr. Maas's book, but the commission's chief spokesman, Michael Armstrong, said yesterday that Mr. Maas's charge was based on misrepresentation and misquotation of what Mr. Kriegel had said before the commission when it was in closed session in 1971.

Reached at his Scarsdale home, Mr. Armstrong said: "It is too bad that Mr. Maas did not focus on the statements themselves rather than upon 'testimony' that never appeared in a transcript he quite apparently never read."

Mr. Maas, who was reached at his apartment in Manhattan, said: "I have had access to the transcript"—most of which has not been made public.

Testimony Conflict Seen

In his book, which is to be published May 4, Mr. Maas says that "for a time the Manhattan District Attorney's office considered indicting Kriegel for perjury" because of an apparent conflict between his testimony in executive session and in open session later in 1971.

"That it did not was primarily the fault of the Knapp Commission's interrogation of him in executive session," writes Mr. Maas, who is also the author of a best-seller, about the Mafia, "The Valachi Papers."

The new book is about the

stormy police career of Detective Frank Serpico, whose reports of widespread police corruption, first given to Mr. Kriegel, were later published by The New York Times. The reports spurred Mayor Lindsay to form the commission.

The apparent conflict in Mr. Kriegel's testimony, as reported by Mr. Maas, was on the point of how much of Detective Serpico's complaints Mr. Kriegel had repeated to the Mayor.

Inconsistency Discounted

The District Attorney's office announced on May 16, 1972, that it would not present to a grand jury the question of whether Mr. Kriegel had committed perjury because "the people would not be able to establish . . . that there was a willful, irreconcilable inconsistency" in his testimony.

In the book, Mr. Maas charges that the commission's executive-session interrogation of Mr. Kriegel was not tough enough. "In the 200-page, double-spaced transcript of Kriegel's secret testimony, much of it covering the information provided by Serpico, barely more than a page dealt with what Kriegel had or had not passed on to Mayor Lindsay," he writes.

Mr. Maas says Mr. Kriegel had been able to be vague because "nobody pushed him."

The specific point on which Mr. Maas says Mr. Kriegel's executive testimony was imprecise was whether Mr. Kriegel told the Mayor that Detective Serpico had complained about the pace of a Police Department investigation into his allegations of police corruption.

Commenting on Mr. Maas's book, Mr. Armstrong gave this statement:

"Mr. Maas's contention rests

on supposed executive testimony by Jay Kriegel which in fact was never given.

"The executive-session questioning of Mr. Kriegel relating to whether he passed on to the Mayor the information given to him . . . covers not 'barely more than a page' of transcript, but more than 50. The allegedly ambiguous portion Mr. Maas purports to quote—which he in-

dicates was the only contradiction upon which criminal charges might have been based—does not appear anywhere in the transcript.

"In the course of his executive testimony, Mr. Kriegel was specifically interrogated on a number of occasions . . . as to whether he told the Mayor of the charge that the Police Department had been lax in its

investigation. Several of these exchanges were made matters of public record when Mr. Kriegel was confronted with them during his apparently contradictory testimony.

"The District Attorney decided that these apparently contradictory statements did not amount to perjury under the strict legal requirements of the penal code."