

Police Defend Actions in Wall St. Confrontation

By DAVID BURNHAM

The Police Department defended itself yesterday against charges by Mayor Lindsay that it had failed to handle properly the violent skirmishes last May between construction workers and students protesting the United States involvement in Cambodia.

In a 45-page report to Mr. Lindsay, the department said that although some advanced warning had been received about possible counter-demonstrations by the construction workers, "it was not readily verifiable, and the magnitude and ebullience of the activities by them and their host of supporters could not be accurately foretold."

When Mayor Lindsay ordered Police Commissioner Howard R. Leary to make the special investigation on May 9—the day after the series of incidents in the Wall Street area and at City Hall—he said New Yorkers had "witnessed a breakdown of the police as the barrier between them and wanton violence."

In a brief three-paragraph statement yesterday, the Mayor said he would give the report "intense study." He described it as "helpful in understanding the events of that day and asked Mr. Leary to give the document the widest possible circulation among department officials.

The analysis offered by the police, prepared by a special investigating team headed by Deputy Police Commissioner John F. Walsh, was in sharp contrast to the Mayor's.

"A number of unforeseeable problems were encountered by the police on that date for which, much to their chagrin, they [the police] were not completely prepared to meet," the report said in a concluding section.

'Impartiality' Asserted

Burt Neuborne, staff counsel for the New York Civil Liberties Union who has brought a suit in Federal Court for some of the scores of persons injured on May 8, denounced the report yesterday.

"Any attempt to excuse the breakdown of police protection as a lack of manpower or a communications failure is nothing more than a calculated whitewash," he said.

The report made no general response to the allegations by a number of witnesses that many policemen looked the other way when the construction workers attacked demonstrators.

But the report said that the Police Department had been long known for its "ability to conduct itself fairly and impartially in its manifold duties

Report Says Force Handled Skirmishing at Antiwar Demonstrations Fairly

is the policing of Greater New York City and its multiplicity of citizens, and untold numbers of visitors, of all races, colors and creeds—religious and political; it still is."

Another example of the apparent conflict between City Hall and Police Headquarters was the report's response to the Mayor's request that the police "fix responsibility at the common level" and bring "prompt disciplinary action" against those policemen who failed to perform their duty.

The report said that as a result of the investigation, during which 324 persons were interviewed, charges had been brought against two members of the force. Neither was identified.

"In the first instance, the officer was charged with failure to obtain or render medical aid to an injured female who requested it, and with failure to properly investigate and report a complaint of an assault and injury made to him," it said.

"In the second instance, the officer was charged with failure to effect an arrest upon receiving a complaint from a youth who was assaulted by a construction worker, and with failure to properly investigate and report the matter."

3 Warnings Received

While establishing who was in command of various units, the report did not criticize the judgments and decisions of the commanders.

The report said two reasons for the police failure to handle the series of incidents better was the short range of existing portable communications equipment and the inability of commanders to observe developing situations because of the heavy crowds.

It said additional equipment had been installed in patrol cars assigned to superior officers to improve mobile communications. To overcome visibility problems, the department has instituted a system where, in appropriate situations, observation posts would be established on top of buildings.

The report said three messages about possible violence in lower Manhattan on May 8 had been received by city officials the previous day.

The first came at 4:20 P.M. from a person named Joel Littman, the report went on, who

asserted that an unnamed guard had told him construction workers planned to make trouble at the next day's peace rally.

The second call came at 6 P.M. from an anonymous caller who said "that rabble rousers will break up the rally at the Stock Exchange and then proceed to City Hall."

The third message came at 10:25 P.M. from a person who identified himself as Stephen Kopitko and said he was a student leader. The report said he gave no address, telephone number or other data.

"All of these messages were received by the First Division Commander well after business hours and could not be verified in any way as the construction sites and brokerage houses already were closed for the day," the report said.

A further serious problem, according to the report, was the personnel shortages caused by the fact that a number of demonstrations and rallies were scheduled in different parts of the city on May 8.

William M. Kunstler, the lawyer, was speaking at a rally in Union Square, and a computer owned by New York University had been "kidnapped" and was being held for "ransom" to bail out a Black Panther, the report noted.

Black Panthers and Young Lords, the report continued, had scheduled a rally at the Criminal Courts Building at 100 Centre Street.

And finally, the report said, Mayor Lindsay and Environmental Protection Commissioner Jerome Kretschmer were scheduled to address a Foley Square rally at noon and substantial numbers of policemen had been committed there starting at 10 A.M.