

Persistent 'Squeaky Wheel' Finally Heard by City Hall

By JODD S. PURDUM

Since their first plea three years ago, representatives of Restaurant Row say they have written perhaps a dozen letters to Mayor Koch and other city officials, repeating a litany of complaints about drug dealers, prostitutes, menh-cants, miscreants and illegally parked cars.

Each time, the letter writers say, they got a prompt but perfunctory response and a promise that their problems would be referred to the police. And, invariably, they say, the precinct commander called, was courteous, briefly assigned more officers to the area and then later acknowledged having to divert them to handle problems elsewhere.

"There was often an immediate response for one or two weeks, with the addition of more officers," said the Rev. Dale D. Hansen, pastor of St. Luke's Lutheran Church and president of the Restaurant Row Association. "But it was never sustained. It was never adequate from the top down."

The police and city officials get similar demands from virtually every neighborhood, and they say they cannot be everywhere at once. They note the area around Times Square and Restaurant Row is already by far the most heavily policed in the city, in part because it is home to a huge, shifting and widely diverse population.

The history of West 46th Street's struggle against crime, a struggle that finally prompted it to enlist the Guardian Angels, is a story mirrored in countless neighborhoods around New York City. But this stretch of bars and bistros is a magnet for tourists, theatergoers and midtown executives, and its cries have produced an atypical hubbub.

Yesterday, Mayor Koch said he would meet with Pastor Hansen and restaurant owners next week to discuss possible solutions. He avoided making any promises and carefully refused to praise or criticize the Guardian Angels, saying only that he favored any groups that "want to act as the eyes and ears of the cops, not replace the cops."

Mr. Koch said he did not recall getting any letters on the subject, but noted that he gets hundreds of letters a day. He acknowledged that his office often sends out responses over his signature, referring problems to particular agencies, and did not dispute that it had done so in this case.

Asked if he believed the restaurant owners had recruited the Angels to

publicize their plight, the Mayor said: "Sure, but so what. The squeaky wheel, you remember that principle? Well, it's just like the squeaky wheel."

In fact, this wheel has been squeaking for some time. A sheaf of correspondence between Pastor Hansen and city officials shows that the police have long been aware of the problem.

On June 19, 1985, Pastor Hansen, on St. Luke's stationery, wrote the Mayor that "for the past decade," tenants in a single-room occupancy hotel at the southwest corner of 46th Street and Eighth Avenue "have held the neighborhood hostage, attracting and harboring an assortment of transvestite prostitutes, 'regular' prostitutes, junkies, muggers and thieves. Other tenants live in mortal dread for their lives."

Several months later, on Jan. 21, 1986, Pastor Hansen wrote Mr. Koch again, noting that "periodically, a crackdown occurs and things quiet down for a week or two, only to return to normal as soon as the pressure is off."

"Considering the tourist traffic to the restaurants and theatres of the area, these conditions give the worst possible impression of our city," Pastor Hansen wrote.

On March 4, 1987, Pastor Hansen wrote the Midtown North Precinct commander, Deputy Inspector Edward F. Fitzgerald, a note that began, "It's me again," and three weeks later added, "The circus goes on."

Last Oct. 13 the professional stagehands' union, whose headquarters is on



A patrol of Guardian Angels in a confrontation with two men on West 47th Street last night. An argument between the two and the Guardian Angels ended in a scuffle, but the two men were released afterward.

the block, wrote Mr. Koch. "We need your guidance and your resources before Restaurant Row becomes 'Canary Row'."

Pastor Hansen denied that the block had turned to the Angels to seek publicity, or to put pressure on the city. "We were suffocating in danger," he

said. But he noted that the police had added more officers last week after they were told the Angels were coming.

The spokeswoman for the Police Department, Deputy Commissioner Alice T. McGillion, said she could not confirm Pastor Hansen's account of briefly increased police patrols in re-

sponse to past complaints because Inspector Fitzgerald was on that in the first four months of this year, officers made as many arrests in the area, 600, as in all of last year.

Angel in Critical Condition

A senior police official, who asked not to be identified, said the precinct commander should probably have simply assigned more officers to the block weeks or months ago to head off the complaints and the resulting publicity.

"It's complicated being a commander in an area like that," the official said. "You have to know how to handle these things."

Meantime yesterday Ilya Eichenberg, a 16-year-old member of the Guardian Angels who was stabbed in an altercation on the street Saturday night, was in critical but stable condition at St. Vincent Hospital.

Two Angels arrested in a separate incident Sunday night were released on their own recognizance after pleading not guilty to charges of menacing and harassing a neighborhood man. That man, John Johnson, was also charged with menacing and was also released.

Clearing the Streets: Rulings on Loitering

The controversy over patrols by the Guardian Angels on West 46th Street has raised questions about when a citizen or a police officer can confront someone who is loitering and appears to be acting suspiciously.

Most loitering and vagrancy laws were struck down in 1972, when the United States Supreme Court, in *Papachristou v. the City of Jacksonville, Fla.*, said in a unanimous ruling, "A presumption that people who might walk or loaf or loiter or stroll or who look suspicious to the police are to become future criminals is too precatious for a rule of law."

The decision set the tone for a series of rulings by the New York State Court of Appeals. Last February, the court quoted the 1972 decision in overturning a law

baning loitering in public transportation terminals. The New York court said the law impermissibly required a person to give the police a "satisfactory explanation" of what the person was doing, explicitly turning the right to remain silent into a criminal act.

The Guardian Angels patrols have also raised questions about uniformed officers' making drug arrests. Some residents and restaurateurs on the street have complained that uniformed officers do not make such arrests. A police spokesman, Sgt. Peter Sweeney, said the primary purpose of uniformed officers was "visibility, omnipresence, to assist the public."

"If a police officer is on patrol and a crack is sold in front of him," Sergeant Sweeney said, "the police officer should make an arrest."