

# 37 Who Saw Murder Didn't Call the Police

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For more than half an hour 38 respectable, law-abiding citizens in Queens watched a killer stalk and stab a woman in three separate attacks in Kew Gardens.

Twice the sound of their voices and the sudden glow of their bedroom lights interrupted him and frightened him off. Each time he returned, sought her out and stabbed her again. Not one person telephoned - the police during the assault; one witness called after the woman was dead.

That was two weeks ago to day. But Assistant Chief Inspector Frederick M. Lussen, in charge of the borough's detectives and a veteran of 25 years of homicide investigations, is still shocked.

He can give a matter-of-fact recitation of many murders. But the Kew Gardens slaying baffles him-not because it is a murder, but because the "good people" failed to call the police.

"As we have reconstructed the crime," he said, "the assailant had three chances to kill this woman during a 35-minute period. He returned twice to complete the job. If we had been called when he first attacked, the woman might not be dead now."

This is what the police say happened beginning at 3:20 A.M. in the staid, middle-class, tree-lined Austin Street area:

Twenty-eight-year-old Catherine Genovese, who was called Kitty by almost everyone in the neighborhood, was returning to her home.

She turned off the lights of her car, locked the door and started to walk the 100 feet to the entrance of her apartment at 82-70 Austin Street, which is in a Tudor building, with stores on the first floor and apartments on the second.

The entrance to the apartment is in the rear of the building because the front is rented to retail stores. At night the quiet neighborhood is shrouded in the slumbering darkness that marks most residential areas.

Miss Genovese noticed a man at the far end of the lot, near a seven-story apartment house at 82-40 Austin Street. She halted. Then, nervously, she headed up Austin Street toward Lefferts Boulevard, where there is a call box to the 102d police Precinct in nearby Richmond Hill.

She got as far as a street light in front of a bookstore before the man grabbed her. she screamed. Lights went on in the 10-story apartment house at 82-67. Austin Street, which faces the bookstore. Windows slid open and voices punctured the early-morning stillness.

Miss Genovese screamed: oh, my God, he stabbed me! Please help me! Please help me !”

From one of the upper window in the apartment house, a man called down: “Let that girl alone !”

The assailant looked up at him, shrugged and walked down Austin Street toward a white sedan parked a short distance away. Miss Genovese struggled to her feet.

Lights went out. The killer returned to Miss Genovese, now trying to make her way around the side of the building by the parking lot to get to her apartment. The assailant stabbed her again.

“I'm dying!” she shrieked. “I'm dying!” She shrieked. “I'm dying!”

Windows were opened again, and lights went on in many apartments. The assailant got into his car and drove away. Miss Genovese staggered to her feet. A city bus, Q-10, the Lefferts Boulevard line to Kennedy International Airport, passed. It was 3:35 A.M.

The assailant returned. By then, Miss Genovese had crawled to the back of the building, where the freshly painted brown doors to the apartment house held out hope of safety. The killer tried the first door; she wasn't there. At the second - door, 82-62 Austin Street, he saw her slumped on the floor at the foot of the stairs. He stabbed her a third time—fatally.

It was 3:50 by the time the police received their first call, from a man who was a neighbor of Miss Genovese. In two minutes they were at the scene. The neighbor, a 70-year-old woman and another woman were the only persons on the street. Nobody else came forward.

The man explained that he had called the police after much deliberation. He had phoned a friend in Nassau County for advice and then he had crossed the roof of the building to the apartment of the elderly woman to get her to make the call.

“I didn't want to get involved,” he sheepishly told the police.

Six days later, the police arrested Winston Moseley, a 29 year-old business-machine operator, and charged him with the homicide. Moseley had no previous record. He is married, has two children and owns a home at 133-19 Sutter Avenue, south ozone Park, Queens. On wednesday, a court committed him to Kings County Hospital for psychiatric observation.

When questioned by the police, Moseley also said that he had slain Mrs. Annie May Johnson, 24, of 146-12 133d Avenue, Jamaica, on Feb. 29 and Barbara Kralik, 15, of 174-17 140th Avenue, Springfield Gardens, last July. In the Kralik case, the police are holding Alvin L. Mitchell, who is said to have confessed that slaying.

The police stressed how simple it would have been to have gotten in touch with them. "A phone call," said one of the detectives, "would have done it."

The question of whether the witnesses can be held legally responsible in any way for failure to report the crime was put to the Police Department's legal bureau. There, a spokesman said :

"There is no legal responsibility with few exceptions, for any citizen to report a crime."

Under the statutes of the city, he said, a witness to a suspicious or violent death must report it to the medical examiner. Under state law, a witness cannot withhold information in a kidnapping.

Today witnesses from the neighborhood, which is made up one-family homes in the \$35,000 to \$60,000 range with the exception of the two apartment. houses near the railroad station, find it difficult to explain why they didn't call the police.

Lieut. Bernard Jacobs, who handled the investigation by the, detectives, said:

"It is one of the better neighborhoods. There are few reports of crimes. You only get

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The police said most persons had told them they had been afraid to call, but had given meaningless answers when asked what they had feared.

"We can understand the reticence of people to become involved in an area of violence," Lieutenant Jacobs said, "but where they are in their homes, near phones, why should they be afraid to call the police?"

He said his men were able to piece together what happened—and capture the suspect—because the residents furnished all the information when detectives rang doorbells during the days following the slaying.

"But why didn't someone call us that night ?" he asked unbelievably.

Witnesses—some of them unable to believe what they had allowed to happen—told a reporter why.

A housewife, knowingly if quite casual, said, "We thought it was a lover's quarrel." A husband and wife both said, "Frankly, we were afraid."

One couple, now willing to talk about that night, said they heard the first screams. The husband looked thoughtfully at the bookstore where the killer first grabbed Miss Genovese.

“We went to the window to see what was happening,” he said, “but the light from our bedroom made it difficult to see the street.” The wife, still apprehensive, added: “I put out the light and we were able to see better.”

Asked why they hadn't called the police, she shrugged and replied: “I don't know.”

A man peeked out from a slight opening in the doorway to his apartment and rattled off an account of the killer's second attack. Why hadn't he called the police at the time? “I was tired,” he said without emotion. “I went back to bed.”

It was 4:25 A.M. when the ambulance arrived for the body of Miss Genovese. It drove off. “Then,” a solemn police detective said, “the people came out.”