

Excerpts From Commission's Report on Bombing

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PHILADELPHIA, March 6 — Following are excerpts from the findings, conclusions and recommendations in a report issued today by the Philadelphia Special Investigation Commission, which examined the police confrontation on May 13 with the group known as Move:

Summary of Findings and Conclusions

1. By the early 1980's Move had evolved into an authoritarian, violence-threatening cult.
2. The residents of 6221 Osage Avenue were armed and dangerous, and used threats, abuse and intimidation to terrify their neighbors and to bring about confrontation.
3. Mayor Goode's policy toward Move was one of appeasement, non-confrontation and avoidance.
4. The Managing Director and the city's department heads failed to take any effective action on their own and, in fact, ordered their subordinates to refrain from taking action.
5. The city administration dis-

counted negotiation as a method of resolving the problem. Any attempted negotiations were haphazard and uncoordinated.

6. In the first several months of his administration, the Mayor was presented with compelling evidence that his policy of appeasement was doomed to fail.

7. In the summer of 1984, the Mayor was told that the legal basis existed at that time to act against certain Move members. Yet the Mayor held back.

8. From the fall of 1984 to the spring of 1985, the city's policy of appeasement conceded to the residents of 6221 Osage Avenue the continued right to exist above the law.

9. More than any other factor, intensified pressure from the residents of Osage Avenue forced the Mayor to devise a strategy for resolving the problem quickly.

10. The Mayor instructed the Police Commissioner to prepare and execute a tactical plan, under the supervision of the Managing Director. The Managing Director failed in that responsibility, and the Mayor allowed the Police Commissioner to proceed on his own.

11. The Police Commissioner chose as his planners the head of the bomb

disposal unit, a sergeant from the pistol range and a uniform patrolman. In so doing, he excluded from the formulation of the plan the entire Police Department command structure and other available expertise.

12. As a result of the Police Commissioner's orders, the three officers responsible for developing the tactical plan did so hastily and without sufficient information or adequate intelligence. The Mayor, the Managing Director and the Police Commissioner neither sought nor received from these men a written plan.

13. The Mayor, the Managing Director and the Police Commissioner specifically approved the use of explosives to blow three-inch holes in the party walls of 6221 Osage Avenue to allow the insertion of tear gas to induce the evacuation of the house. This plan was inadequate because of the flawed intelligence on which it was based and the haste with which it was designed.

14. Directives to remove the children from 6221 Osage Avenue were unclear, poorly communicated and were not carried out.

15. The Mayor's failure to call a halt to the operation on May 12, when he knew that children were in the house, was grossly negligent and clearly risked the lives of those children.

16. The Managing Director and the Police Commissioner were grossly negligent and clearly risked the lives of the children by failing to take effective steps to detain them and by not forcefully recommending to the Mayor that the operation be halted when they knew, the evening of May 12, that the children were in the residence.

17. The Mayor failed to perform his responsibility as the city's chief executive by not actively participating in the preparation, review and oversight of the plan.

18. The firing of over 10,000 rounds of ammunition in under 90 minutes at a row house containing children was clearly excessive and unreasonable. The failure of those responsible for the firing to control or stop such an excessive amount of force was unconscionable.

19. The members of the bomb disposal unit were not trained for their tactical assignment. Their actions on the morning of May 13 posed a high risk of death for both the police and the occupants of 6221 Osage Avenue.

20. Explosives were used against the Move house on the morning of May 13, 1985, which were excessive and life-threatening.

21. At least one agent of the Philadelphia office of the F.B.I. made available to the Philadelphia Police Department, without proper recordation by either agency, substantial quantities of C-4, some of which may have been incorporated in the explosive devices used on May 13, 1985.

22. The Mayor abdicated his responsibilities as a leader when, after midday, he permitted a clearly failed operation to continue which posed great risk to life and property.

23. On May 13, the key decision makers were prevented from easily and directly contacting each other because of an inadequate communications system.

24. The plan to bomb the Move house was reckless, ill-conceived and hastily approved. Dropping a bomb on an occupied row house was unconscionable and should have been rejected out-of-hand.

25. The fire which destroyed the Osage Avenue neighborhood was caused by the bomb which exploded on the roof of the Move house.

26. Even after the bomb exploded and ignited the fire, life and property could have been saved without endangering any of the police officers or firefighters by using the "Sqrts" to extinguish the fire on the roof while the fire was in its incipient stage.

27. The hasty, reckless and irresponsible decision by the Police Commissioner and the Fire Commissioner to use the fire as a tactical weapon was unconscionable.

28. Police gunfire prevented some occupants of 6221 Osage Avenue from escaping from the burning house to the rear alley.

29. Five children were killed during the confrontation on May 13, 1985. Their deaths appear to be unjustified homicides which should be investigated by a grand jury.

30. Six adults also died as a result of the May 13 confrontation.

31. The performance of the Medical Examiner's Office was unprofessional and violated generally accepted practices for pathologists.

Recommendations

Disciplinary Action and Further Investigation

Internal Investigations: Internal investigations by the police and other departments, which were started and then suspended, should now be promptly resumed. These investigations should focus not only on the occurrences of May 13, 1985, but on events, commencing Jan. 1, 1984, leading to this incident and on events immediately thereafter.

Task Force Review: Those city departments which played a role in the Move crisis and which had not already started an investigation should undertake an evaluation of the respective department's planning or lack of planning and action or inaction related to the incident.

Assessment and Coordination of Reviews: The reports of the various investigations and reviews covered in the two preceding recommendations should be forwarded to the Managing Director for correlations and review prior to submittal to the Mayor for his analysis and as a basis for personnel actions, organizational restructuring or other actions.

Police Officers and the Fifth Amendment: If appropriate disciplinary proceedings find that adequate basis exists, the few police officers who refused to testify before the commission and represented that they would invoke their Fifth Amendment privileges should be dismissed.

Law Enforcement Investigations: The ongoing investigations of the District Attorney and of the United States Department of Justice should proceed and should include the taking of testimony. Immunity should be used as appropriate to resolve any open factual questions, such as the full facts in choosing, constructing and using a bomb, and the full facts as to the nighttime events in the alley behind 6221 Osage Avenue. The taking of testimony is also necessary to resolve any issues that may arise as to possible perjurious testimony before the commission and before any grand jury.