

# An Offer to Sell 6 Hours of Berkowitz Tapes to The News Reported

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*New York Times (1923-Current file); Aug 13, 1977;*

ProQuest Historical Newspapers The New York Times (1851 - 2007)

pg. 8

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A representative of Phillip Peltz, one of the lawyers for David R. Berkowitz, the so-called Son of Sam, called The Daily News yesterday morning and offered to sell more than six hours of taped conversations with the suspected .44-caliber killer for \$50,000.

After learning about this offer, Acting Justice Richard A. Brown of State Supreme Court, who presided over Mr. Berkowitz's arraignment on Thursday, issued an order barring Mr. Peltz and Leon Stern of Mineola, L.I., the other lawyer in the case, from releasing or disseminating confidential material obtained from the suspect.

This material was obtained in taped interviews with Mr. Berkowitz at Kings County Hospital, where he is undergoing psychiatric examination.

The tapes were made over the last two days, but The News yesterday declined Mr. Peltz's offer, which was made by his

representative, George Bernard, according to Richard Oliver, the city editor of the newspaper.

Mr. Oliver added in a telephone interview last night that Mr. Bernard, who he said was associated with a Middle Western news agency, had specified that the tapes would be made available to The News only on the condition that the material be used in the paper's Sunday edition.

William Sherman, an assistant city editor, added that part of the offer made to the newspaper was a pledge by Mr. Peltz and his law associate, Ira Leitel, that they would certify the authenticity of the tapes.

When asked whether he had offered to sell the tapes to The News, Mr. Peltz, who is 43 years old, replied last night: "Not to my knowledge."

Mr. Leitel, when also asked about the offer of the tapes, declined to comment, saying: "It's too dangerous."

There were reports yesterday that Mr. Leitel and Mr. Peltz had persuaded Mr.

Berkowitz to sign an authorization for them to make and use the tapes.

Lawyers and judges assert that an attorney cannot release any information from a client whose mental capacity has not been determined. Such information is regarded as in the realm of privileged lawyer-client relations and to disclose it is viewed as a breach of ethical conduct.

Mr. Peltz acknowledged last night that he had been earlier convicted of conspiracy and securities violations and sentenced to and served three months in a Federal penitentiary in Allenwood, Pa. The original felony charges were reduced to misdemeanors, thus enabling Mr. Peltz to continue to practice law. Felons are barred from practicing generally in New York State.

When he emerged from the extraordinary two-hour, closed-door court session held in Justice Brown's chambers in Brooklyn, Mr. Peltz told reporters he was still representing Mr. Berkowitz.

However, Mr. Stern presented a letter

to the judge from Mr. Berkowitz's father, Nat, authorizing him to handle the case. That letter did not mention Mr. Peltz, who had earlier said that it was actually the suspect himself who had retained him.

Mr. Peltz's status may change over the weekend, however. He is expected to meet with Mr. Stern and members of the Berkowitz family. Just who initially retained Mr. Peltz remained a mystery last night.

Earlier yesterday, Mr. Peltz sought in State Supreme Court in Brooklyn to bar New York City officials, the Police Department and news organizations from disclosing and disseminating allegedly incriminating conversations that he had had with the suspect following the capture—even as the controversy over the tapes offer was developing. But Justice Leonard E. Yosweil turned down his petition after law enforcement officials said that they would not discuss the material with news organizations.