

INDICTMENT EXPECTED IN 'SON OF SAM' CASE

Grand Jury in Brooklyn Due to Act Today—Dispute Over Which Lawyer Represents Berkowitz Continues

By MARCIA CHAMBERS

David R. Berkowitz, the man accused of being the .44-caliber killer, is expected to be indicted for murder in Brooklyn today as a legal battle over which lawyer represents him continues.

In recent days, the controversy over Mr. Berkowitz's lawyers had developed into a major legal battle that remained unresolved over the weekend as arrangements were being made for the suspect's expected arraignment in State Supreme Court tomorrow. The legal dispute may be raised during the proceedings.

Meanwhile, the police continued to investigate a report that Mr. Berkowitz and an unidentified young man had visited a Westchester kennel last Wednesday, hours before Mr. Berkowitz was arrested.

According to an official of the kennel, the employee who reported the visit was taken by New York City detectives last night to see one of Mr. Berkowitz's co-workers. The employee reportedly said the man was not the one who had accompanied Mr. Berkowitz.

The employee, who asked that his name not be disclosed, said the detectives had doubted that the man he had seen was Mr. Berkowitz, even though he remained convinced that it was.

Since the kennel employee described Mr. Berkowitz's companion as resembling one of the earlier sketches of the .44-caliber killer, his report of the visit has led to speculation that Mr. Berkowitz may have had an accomplice.

Mr. Berkowitz, according to the New York Daily News, wrote about the use of drugs, such as LSD and morphine, and his refusal to carry a gun in Korea, in letters to Iris Gerhardt, a high school friend, sent to her from various Army posts between 1971 and 1973.

The young woman, who is now Mrs. Cary Klausner and a resident of a Detroit suburb, has offered access to the letters for a fee of several hundred News said he did not know if the paper had paid for the letters. Mrs. Klausner said she dated Mr. Berkowitz when she lived in Co-op City in the Bronx.

As published in The News, in a copyrighted article, Mr. Berkowitz, who sometimes made spelling errors, wrote that "I like the mess I'm in" with drugs. "I must trully admitt to myself that unless I don" manage somehow to find a way to temporarily escape this lousy life, I will become really insane. So it really doe;n't hurt to escape [on drugs] once and while or often, to straighten out my d'storted messed up mind. The only bummer about it is I found out that its easy to get hooked. Tough luck. I'll be free one day."

In another letter, he explained that he was being court-martialed because of a confrontation with an officer who asked him where his gun was. "I said I didn't bring it to the field, and I refuse to bring it to the field," he wrote. "Well all hell broke out after that. They just can't tell me to carry a gun."

However, he seemed obsessed with guns. "I haven't changed much except I lost 25 pounds. Better not get me mad because I'm good with a gun! Don't make me use it on you." He also wrote, "One day there will be a better world. After a few heads from the heads of state are removed."

Grand Juries to Convene

Mr. Berkowitz has been charged by the police with the murder of 20-year-old Stacy Moskowitz and the attempted murder of her date, Robert Violante, 20, who was nearly blinded in the attack in Brooklyn last month. Grand juries in the Bronx and Queens are expected to convene soon to hear evidence against Mr. Berkowitz in connection with five other murders and six attempted murders in those counties. The suspect is now undergoing psychiatric tests at Kings County Hospital to determine his fitness to stand trial.

Two lawyers in the Berkowitz case, Phillip Peltz and Ira Leitel, have become the subjects of an investigation of the circumstances surrounding the tape-recording of six hours of conversations with the suspect. The lawyers attempted to sell the confidential tapes first to The New York Post for \$100,000 and later to The Daily News for \$50,000. The newspapers rejected the offers.

The Appellate Division committee that investigates disciplinary allegations against lawyers in its jurisdiction is scheduled to receive transcripts today of recent court sessions that bear on the conduct of Mr. Peltz and Mr. Leitel.

The court's inquiry will also try to determine how Mr. Peltz, convicted of securities violations, had become one of the lawyers in the "Son of Sam" case. Mr. Peltz and Leon Stern—a Mineola lawyer asked by Nathan Berkowitz to represent his son—appeared at the 24-year-old mail clerk's arraignment last Thursday. Mr. Stern has not been retained by the younger Berkowitz.

Mr. Peltz, who like Mr. Stern, submitted a notice of appearance on behalf of Mr. Berkowitz before the suspect's arraignment in Criminal Court in Brooklyn Thursday, has given various descriptions of how he was retained in the case.

Unlike Mr. Stern, whose office notified District Attorney Eugene Gold of Brooklyn that he would be representing Mr. Berkowitz at the arraignment, Mr. Peltz simply appeared in the courtroom last Thursday, after interviewing Mr. Berkowitz in a holding pen in the basement.

At the bench in Criminal Court, Mr. Peltz told Judge Richard A. Brown that a woman had asked that he appear on Mr. Berkowitz's behalf. He refused to identify her, he said, at her request. He has also said that a member of the Berkowitz family had retained him—an assertion that Nathan Berkowitz rejected in a letter to Judge Brown.

The dispute over which lawyer actually represented Mr. Berkowitz was temporarily resolved by Judge Brown when he directed both men to represent the suspect for the purposes of the arraignment.

After the arraignment Thursday at 11:30 A.M., and before a closed court session with Judge Brown Friday, Mr. Peltz went to the hospital and held at least six hours of conversations with Mr. Berkowitz.

When Judge Brown learned of the attempt by Mr. Peltz and Mr. Leitel to sell the tapes, he ordered that the tapes not be released or disseminated.

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