

# BERKOWITZ CHARGED IN QUEENS MURDERS

## .44-Caliber Suspect Enters Pleas of Not Guilty in Arraignment in Hospital in Brooklyn

By MARCIA CHAMBERS

David Richard Berkowitz, clad in hospital-green pajamas and a blue bathrobe, pleaded not guilty yesterday to two murders and seven attempted murders in Queens in his second arraignment in the last week.

While Mr. Berkowitz stood before Justice Leo Brown of State Supreme Court of Queens in a drab white recreation room behind bars and some 50 feet from his hospital cell, a State Supreme Court justice several miles away in Brooklyn announced an inquiry into a reported attempt to sell 10 hours of taped conversations with the man accused of being "Son of Sam," the .44-caliber killer.

"I want to determine there has been no flimflamery in all matters in this case," said Justice Charles R. Rubin, the chief administrative judge of Brooklyn and State Island.

In an interview, Justice Rubin said that he intended in the close-door hearings scheduled to begin next week to take testimony from police officers, corrections personnel, lawyers, psychiatrists or anyone else who had had contact with the 24-year-old suspect since his arrest at 10:30 P.M. Aug. 10.

A public statement released by the justice's office said that the inquiry would not interfere with the confidential relationship between Mr. Berkowitz, his lawyers and his psychiatrists.

However, this precautionary note does not preclude calling lawyers and psychiatrists to the stand to ask if they made any tapes or offered to sell them to Scott Meredith, a New York City literary agent. Mr. Meredith has told reporters that an "official figure" in the Berkowitz case offered the tapes for sale and delivered them to him.

On Monday, Justice Rubin had his legal staff examine the law to determine his authority to conduct an inquiry. His two-paragraph statement did not explain the basis under which he was acting, but legal authorities said the justice could intervene in the interests of justice, if there was a possibility of official misconduct, or to protect the defendant's rights to a fair trial.

Mr. Berkowitz, who is supposed to have made 10 hours of tape recorded conversations, possibly at Kings County Hospital where he is undergoing psychiatric evaluation, looked solemn and subdued at his arraignment on the Queens indictments, and spoke only twice.

"Are you David Berkowitz," Thomas Wall, the court clerk, asked.

"Yes, sir," Mr. Berkowitz replied in a whisper.

"Are you represented by counsel?" Mr. Wall asked.

Mr. Berkowitz replied that he was represented by Mark J. Heller, recently retained by Mr. Berkowitz's step-sister, and by Leon Stern, who with his associate, Ira Giultak, was hired by Nathan Berkowitz, David Berkowitz's adopted father, to represent his son.

The 15-minute arraignment took place on the sixth floor of the psychiatric ward in the "G" building at the hospital.

The room, holding more than 40 people, including reporters, police officers and psychiatric aides, had, instead of the pingpong table usually set up there, two tables, one for the prosecution and one for the defense, in a makeshift well.

District Attorney John Santucci of Queens, placed in the record the reasons he had brought the Queens courtroom to Mr. Berkowitz instead of the reverse. He said he had wanted to avoid the expense and time of deploying hundreds of police officers to guard the suspect, and to avoid what he described as the "circus-like" atmosphere that surrounded Mr. Berkowitz's arraignment on murder charges in State Supreme Court in Brooklyn one week ago Tuesday.

Mr. Berkowitz was led before the justice's table, and the justice ordered Mr. Berkowitz's handcuffs removed. The chunky, 220-pound suspect listened attentively as Mr. Wall asked if Mr. Berkowitz waived the reading of indictment, which included charges of murdering Christine Freund, 26, and Virginia Voskerichian, 19, this year.

"What is the plea?" Mr. Wall asked.

"The plea is not guilty," said Mr. Stern, who previously said Mr. Berkowitz intended to use the defense of insanity.

Justice Brown set a technical date—Sept. 1—for Mr. Berkowitz's next court appearance. That is two days after psychiatrists at Kings County Hospital are scheduled to submit to the State Supreme Court in Brooklyn their finding on Mr. Berkowitz's mental competency.