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Spectators are kept behind police barricades as truck carrying David R. Berkowitz leaves Queens courthouse

## Berkowitz Termed 'Aware' but 'Emotionally Dead'

By MARCIA CHAMBERS

David R. Berkowitz, the man accused of being the .44-caliber killer, was described yesterday in a small section of a confidential psychiatric report as being "well aware" of the six murders and seven attempted-murder charges against him in Brooklyn, the Bronx and Queens.

At the same time, the sliver of an eight-page, single-spaced psychiatric report disclosed in New York State Supreme Court in Queens yesterday said that Mr. Berkowitz felt "so emotionally dead" that he was indifferent about his future and could not assist his lawyers in his own defense.

For the most part, Mr. Berkowitz, accused of being the "Son of Sam," kept his eyes on the floor as his personality was described.

The entire psychiatric report delivered earlier this week to Supreme Court in Brooklyn and sealed there by a justice concluded that Mr. Berkowitz was at present incompetent to stand trial. That means that he is an "incapitated" person who cannot understand the charges against him and cannot aid in his defense.

The paragraph in the report that gave a glimpse into Mr. Berkowitz's personality was read into the court record by John Santucci, the Queens District Attorney, who is currently running for election against Maurice H. Nadjari.

### Report Expected Oct. 6

Afterward, at a news conference held at Borough Hall, following a bomb scare that caused the evacuation of the District Attorney's office and the courthouse, Mr. Santucci conceded that he had disclosed only the one paragraph of the report to "bolster" his challenge to the findings by two psychiatrists, Dr. Daniel W. Schwartz, the head of forensic service at Kings County Hospital, and Dr. Rich-

ard L. Weidenbacher Jr., one of his colleagues.

Dr. Schwartz delivered his report to those Supreme Court justices in Brooklyn, Queens and the Bronx who have the Berkowitz case before them. On Tuesday, Eugene Gold, the Brooklyn District Attorney, sought and received judicial approval to hire a prosecution psychiatrist to examine Mr. Berkowitz.

The psychiatrist selected by Mr. Gold, Dr. David Abrahamson, is expected to deliver his report to Supreme Court in Brooklyn on Oct. 6. The original date, Oct. 4, was changed because of a Jewish holiday.

In Supreme Court in Queens yesterday, Mr. Santucci, too, sought additional psychiatric evaluation of Mr. Berkowitz and Justice Leo Brown approved his motion, saying that based on his reading of the Schwartz report another "psychiatrist might reasonably differ" from the results of the report.

Justice Brown acted after Mr. Santucci read a portion of the report into the record. The defense did not object and later Justice Brown said in an interview that had there been an objection he would have stopped Mr. Santucci from disclosing the material.

What Mr. Santucci read from page seven of the psychiatric report was:

"Despite the presence of a rather elaborate paranoid delusional system, the question of this defendant's fitness to proceed is not that simple. He is well aware of the charges against him, understands that by society's standards his acts were criminal and has the intellectual capacity to learn whatever there is about the legal proceedings that he does not already know.

"The problem is that his psychosis prevents him from assisting in his own defense. In the first place he feels he is so

emotionally dead that the outcome of his case is totally immaterial to him."

Other than admitting his name, which Mr. Berkowitz refused to acknowledge at one previous arraignment, and acknowledging his attorneys by name, he said nothing during the 30-minute proceeding.

He arrived at the courthouse shortly after 10:30 A.M. in a nine-car convoy, following a 25-minute trip from Kings County Hospital. Two police helicopters hovered overhead and several hundred spectators gathered after his arrival outside the courthouse steps.

It was during this proceeding that the possibility of lengthy and complex multiple competency hearings in the three counties was formally waived.

### Three Findings Possible

"We could have three separate findings in three counties," Mr. Santucci told the judge at one point. That prospect seemed to infuriate Leon Stern, one of Mr. Berkowitz's lawyers. "I'm trying to avoid multiple competency hearings," he declared.

In a subsequent interview, Mr. Stern said he hoped that the findings in the Brooklyn court "whatever they might be, incompetency or competency would be accepted in the other counties."

Several judges interviewed yesterday agreed with Mr. Stern's interpretation of a legal principle that indicates once a matter has been determined in one county it should hold for the others.

Mr. Santucci, however, maintained at his news conference that he had to move for additional psychiatric evaluation to protect his indictments. Nonetheless, the court record shows that he did not ask for a competency hearing. He merely reserved the right to seek one at a later date, and said he could not predict when that might be, according to the record.