

# Post Editor Testifies About Plans To Photograph Berkowitz in Jail

By DAVID BIRD

The picture editor of The New York Post testified yesterday that she had bought a compact "spy" camera to have illegal pictures taken of David Berkowitz, the so-called Son of Sam killer, while he was in jail.

The testimony by the editor, Susan Welchman, came at a pretrial hearing in State Supreme Court in Brooklyn on charges that James Mitteager, a freelance writer, bribed a correction officer to get pictures of and information about Mr. Berkowitz. The Post published pictures of Mr. Berkowitz in prison on Dec. 5, 1977.

Miss Welchman said she had turned over the camera to Mr. Mitteager at the request of Post executives. She said she had had no idea who he was, and under questioning she conceded that as far as she knew he might even have been a correction officer with access to the King's County Hospital prison ward where Mr. Berkowitz was being held.

The hearing, before Judge Ernst H. Rosenberger, was on a motion by Mr. Mitteager seeking dismissal of the charges, from an indictment last year, that he bribed a correction officer, Herbert Clarke. Mr. Mitteager argues that he was singled out for discriminatory prosecution and says that the new special state prosecutor, Roderick C. Lankler, has made him a scapegoat because it would be politically dangerous to attack the top officers of The Post.

Judge Rosenberger said: "The thrust of the motion is that other people were favored by not being charged."

Miss Welchman testified that she had been asked late in October 1977 by Steve Dunleavy, a reporter, whether she could get a camera that could be concealed.

"He said, 'Can you get me a spy camera,'" Miss Welchman testified.

"What did you say?" asked Felix Gilroy, Mr. Mitteager's lawyer.

"I said sure," she replied.

Miss Welchman said that, after obtaining the camera, she had been told that it would be used in a room with only one lightbulb and one window. She said she had set the lens opening for minimal light conditions and then taped the setting in place so that it would not be moved accidentally.

She said that she did not recall having been told what the camera was to be used for but that she had assumed from the beginning that it was to take pictures of Mr. Berkowitz in jail.

## 'A Lot of Illegal Pictures'

Asked if she had not been concerned about helping to take illegal pictures, Miss Welchman testified:

"There are a lot of illegal pictures taken and put in the papers."

Mr. Gilroy asked whether The Post printed illegal pictures.

Ira Lee Sorkin, a lawyer for The Post, rose in the audience and shouted, "Objection."

Judge Rosenberger sustained the objection.

Besides Miss Welchman, Mr. Gilroy has issued subpoenas for four employees of The Post. They are Rupert Murdoch, the publisher; Roger Wood, the executive editor; Peter Michelmore, the metropolitan editor, and Mr. Dunleavy. Mr. Gilroy said he had only been able to serve subpoenas so far on Miss Welchman and Mr. Michelmore.

The hearing resumes at 9.30 tomorrow morning.