

Did Berkowitz really kill Stacy Moskowitz?

By MAURY TERRY and JAMES MITTEAGER
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David Berkowitz, the self-proclaimed Son of Sam, lied in his confession and apparently had an accomplice with him the night of the final attack, new information uncovered by Gannett Westchester Newspapers shows.

It also appears that it was the accomplice, not Berkowitz, who killed Stacy Moskowitz and blinded Robert Violante with the notorious .41-caliber weapon Berkowitz was carrying when arrested.

Berkowitz, police sources say, may have been nothing more than a lookout for the killer.

A witness says that 15 minutes before the shots were fired, Berkowitz jumped into his car and sped from the scene, following a police car blocks from the shooting site.

That report contradicts Berkowitz' account of his movements that night in Brooklyn. Further, it puts him out of the area at the same time Violante says he and Miss Moskowitz were watched by a "weird, grubby" man — always presumed to have been the killer — in a playground adjoining the parking spot where they were

shot shortly after returning to their car.

Berkowitz, who said he never left the scene, had maintained he was the man in the playground.

The report of Berkowitz' departure has been withheld from the public by the police and prosecution. It was supplied by Cecilia Davis, the woman credited with alerting police to the parking ticket placed on Berkowitz' car a half-hour before the shooting, which occurred on July 31, 1977.

That ticket, written because Berkowitz had parked at a fire hydrant on Bay 17th Street — two blocks from the murder — led to his arrest in Yonkers on Aug. 10.

Mrs. Davis also later encountered a man she positively identifies as Berkowitz as she walked her dog on Bay 17th Street just moments before the shots were fired. However, her crucial first sighting of Berkowitz, as he earlier drove from the neighborhood, has not been released by authorities.

In addition to uncovering the major contradiction in Berkowitz' confession, the Gannett investigation of the Moskowitz/Violante shooting has found the following:

—The second sighting of Berkowitz by Mrs. Davis as

he walked by her on Bay 17th Street just before the shooting shows Berkowitz appears to have returned to the area too late to have been the gunman. A timed re-enactment put him two blocks and more than 2½ minutes from the Violante car at barely a minute before the shots were fired. Police sources have acknowledged a "three-minute" time gap at the scene.

—Moreover, Mrs. Davis' report of a neat, short-haired Berkowitz sharply contrasts with the description of the actual killer provided by the key eyewitness to the shooting itself, Tommy Zaino. He describes a long-haired assailant who was also dressed in clothing other than what Mrs. Davis says Berkowitz was wearing only 70 seconds earlier. And Zaino, the re-enactment also shows, was observing the killer standing by a park bench at about the same time Mrs. Davis was seeing Berkowitz two blocks away.

—Likewise, the blinded Violante's depiction of the man he saw in the playground before the shooting as a "grubby-looking hippie type with fairly long, very messy hair," while similar to Zaino's description of the killer, does not match Mrs. Davis' portrayal of a short-

haired, neatly dressed Berkowitz. "How could she say he looked so neat?" Violante asks. "The guy I saw looked like a bum." Berkowitz, the reports show, was blocks away from the playground at this time, also.

—Police say that at least two witnesses reported the killer fleeing the scene in a yellow Volkswagen that was parked two blocks from the spot Berkowitz says his full-sized Ford was parked.

Mrs. Davis, Violante, Zaino, detectives and official sources familiar with the case were interviewed by Gannett Westchester Newspapers as part of a continuing probe into the possibility that Berkowitz was not alone in the Son of Sam rampage. Berkowitz himself was earlier interviewed.

Based on the interviews with the principals and the timed re-enactment, the possibility of a second gunman—which had loomed at other Son of Sam shootings as well—has been raised anew at the Moskowitz murder.

During the year-long .41-caliber rampage, police had reports of two persons, two cars or both at half of the Please see BERKOWITZ on page A17

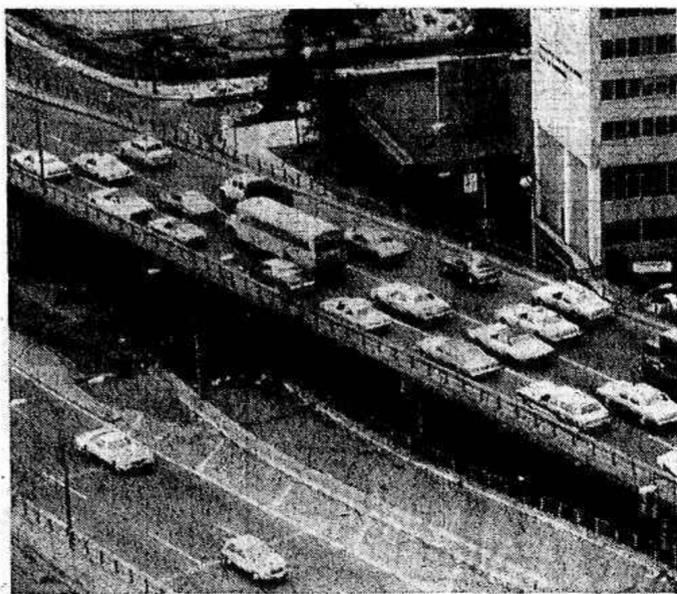
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THE HERALD STATESMAN

Thursday, July 19, 1979

Serving Greater Yonkers

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Traffic stoppers

Taxi cabs creep along New York City's East River Drive near 34th Street Wednesday morning, snarling rush hour traffic. Cab drivers were protesting what they termed

an insufficient rate increase of 15 cents and said they needed a 50 cent surcharge because of increased gasoline prices.

Story appears on page A18.

2 suspects indicted in Bedford slayings

By R.A. LEONARD and TARA CONNELL
Staff Writers

A 40-count indictment charging Junius Gray of Brooklyn and Jimmy Lee Allen of Plainfield, N.J., with murdering four Bedford Hills residents on May 10 was opened this morning in Westchester County Court.

Following a five-minute court session before Judge John C. Couzens in White Plains, the defendants were scheduled for a Tuesday court appearance and returned to jail.

In addition to murder, the indictment also charges Gray and Allen with related robbery, burglary and larceny counts including the theft of an automobile from the scene of the killings.

Both defendants are charged with possession of a .32-caliber automatic pistol with a silencer that police say was the weapon used in the robbery-murders.

Gray and Allen could be sentenced to 25 years to life if convicted of the charges. The Tuesday session was scheduled to give the defendants time to consult attorneys. At that

time, an arraignment on the charges may be held, pleas may be entered and bail discussed. If the defendants do not have attorneys, they be appointed by the court and another hearing scheduled.

Allen appeared angry that his attorney had not been notified in advance of the charges. He took notes during the session and demanded a copy of the indictment.

During the brief session this morning, the defendants were read their rights and the seriousness of the charges was explained to them.

The District Attorney's Office asked the judge to set no bail pending the Tuesday hearing.

The two suspects entered the County Court-house at 9 a.m. for the hearing. Following the court session, they were returned to the Brooklyn Men's House of Detention, where they have been held on an unrelated robbery charge.

The indictment culminates 70 days of investigation by the Westchester County District Attorney's Office into the slaying of Christopher Sperry, 21, Nellie McCormack, 85, and Charles

and Helen Frankel, both 61.

Each was shot to death during the robberies of two separate homes in the secluded Succabone Corners section of Bedford Hills on May 10.

District Attorney Carl Vergari scheduled a press conference to follow the court hearing to explain the indictments.

The grand jury voted the indictments July 11, after hearing testimony for more than a month. Sources said key testimony was delivered by Levie Moore, who was arrested May 27 with Gray and Allen for allegedly robbing at gunpoint more than 50 persons at a birthday party in Brooklyn.

The indictments followed what Vergari had called "the most intensive investigation in the history of Westchester County," involving state police, the Westchester County Sheriff's Office, New York City police, and Bedford police.

An indictment is not a verdict of guilt; it is the determination by a grand jury that a crime has been committed and that there is reasonable cause to charge a person or persons with the crime.

Jordan new chief of staff

Evaluation of Carter staff ordered

WASHINGTON (AP) — Hamilton Jordan, taking over as White House chief of staff, ordered an evaluation of top officials throughout the government while President Carter's Cabinet members waited today to learn whether their resignations would be accepted.

The only formal announcement Wednesday from the White House revealed Jordan's promotion.

It was unclear whether Carter would announce today or Friday which resignations he would accept among the 30 outstanding ones submitted earlier by his Cabinet and top White House staff.

Continuing uncertainty helped depress the dollar on international money markets.

Housing and Urban Development Secretary Patricia Roberts Harris was the center of speculation Wednesday. Sources who declined to be named said she met with Carter and Jordan at the White

House, first at 10 a.m. and again at 4 p.m.

She refused to discuss the substance of the talks with even her closest associates. Nevertheless, they were convinced that she would not be fired and, indeed, had been offered another post, probably a more desirable one.

Speculation also focused on the futures of Joseph A. Califano Jr., the secretary of health, education and welfare; Treasury Secretary W. Michael Blumenthal; Energy Secretary James R. Schlesinger; and Transportation Secretary Brock Adams.

Califano was believed to be high on Carter's hit list, according to knowledgeable HEW sources. The HEW secretary, who has close ties to traditional liberal Democrats, has feuded with Jordan from the administration's start.

At HEW, sources who declined to be named said Califano did not know whether he would be

fired, but he expected the worst. Aides to Adams and Blumenthal also expressed fear their bosses' resignations would be accepted.

From the White House to Cabinet departments to public interest groups, a rumor made the rounds that Mrs. Harris was offered Califano's job, but it was reliably learned there was no factual basis for the gossip.

And a top Schlesinger aide, who asked not to be identified, told Associated Press Radio "it is inevitable that President Carter is going to accept Secretary Schlesinger's resignation." Schlesinger told reporters he had no idea about his fate.

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HAMILTON JORDAN

No gas lines expected at end of month

By BILL FALK
Staff Writer

Motorists may not have to sing the end-of-the-month blues in July's final weeks, despite earlier expectations that there would again be a chorus of service station closings.

That upbeat note was sounded Wednesday by gasoline industry officials, the Automobile Club of New York and others attuned to gasoline availability in Westchester and other parts of the metropolitan area.

Indications are, they agreed, that we'll be able to squeak through the next two weeks without a return to mammoth lines and a blooming of "No Gas" signs. But there apparently won't be much room — or gasoline — to spare.

Max Victor, head of the New York State Association of Service Stations, was the most optimistic of the petroleum prognosticators, predicting the end of July will bring almost no noticeable change in the availability of gas.

"A few weeks ago," he said, "I was worried about the last two weekends of the month and the entire last week. But now I think there'll be plenty. I don't foresee any problems at all."

Victor, who represents 5,000 of the state's 9,000 service station owners, said many of his dealers were notified Wednesday that they would finally be getting the emergency gas supplies ordered into the area by state officials in recent weeks.

Officials of Gulf, Texaco and Mobil confirmed they would be sending new supplies to dealers within the next few days.

A Texaco spokesman, Jim Robertson, said the company was pumping more than 700,000 gallons into Westchester, Putnam and the eight other thirteenth counties in response to the state's directive. He said the volume of gas delivered to each county would be based on sales volumes from July 1978.

In addition, Robertson said, dealers had been notified they could draw up to 5 percent of their August allocations during July's final weeks if they choose.

Mobil and Gulf spokesmen said their dealers either had received or would soon receive similar messages.

INSIDE

World/Nation Frank Braun refuses to let it get to him. But remembers the day well he walked among the 273 bodies after the DC-10 crash in Chicago. See World/Nation.

Education The Westchester area this year gained two women school superintendents — in Yonkers and Blythe-dale. But there is still a long way to go, according to two recent surveys. See Education.

Science Has any real progress been made in the war against cancer? Is there reason to be optimistic about the future? See Science page.

Sports A solid wind guided home the last of the junior sailing regatta Wednesday as the 81st Larchmont Yacht Club Race Week concluded.

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Somoza allies leave; junta ready to rule

MANAGUA, Nicaragua (AP) — The Sandinista junta prepared to move into Managua today or Friday after national guard resistance melted and President Francisco Urcuyo and other remnants of the Somoza dictatorship fled.

Urcuyo resigned Wednesday evening, 36 hours after replacing exiled dictator Anastasio Somoza, and sped to the airport. His destination was not known, there was no confirmation he had left the country, and there was speculation his takeoff might have been delayed until daylight.

Other Somoza men who hadn't escaped earlier fled to the airport, too, as national guard troops virtually disappeared from most of the capital. Guerrilla columns were reported headed toward Managua from rebel-held Leon. Few if any guard checkpoints were reported still along the highway.

The dictatorship's military chiefs negotiated by radio with the Sandinista guerrilla leaders in Leon, 55 miles northwest of Managua, trying to arrange terms for the surrender of the remaining troops, a reliable source with access to the conversations said.

Please turn to SOMOZA on back page of section



Miracle birth

Shirley Patterson, of Burlington, N.C., sleeps with her baby boy born early Wednesday morning at the North Carolina Memorial Hospital in Chapel Hill. The birth of the baby, which developed nearly nine months outside his mother's womb, is too rare to estimate scientifically. Mother and baby are doing fine. —AP Photo

