BERKOWITZ

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• The second, dated Feb. 22, 1978, states: "Detective Getson further stated that John C. Carr was known to be a member of a satanistic (sic) occult group in (Ward County Sheriff's Department) jurisdiction that was drug oriented. He (Carr) made statements to Detective Getson that part of the ritual was drinking the leader's urine."

• The third, dated Feb. 23, 1978, states: "Detective Getson stated that Linda R. O'Conner (Carr's girlfriend) had made a statement that during John C. Carr's trips in and out of North Dakota, he made statements to her that he knew the police were looking for him in connection with David Berkowitz (the .44-calibre Killer) and he (Carr) was extremely paranoid. Up to and until the time he left North Dakota for New York on January 31, 1978, he (Carr) stated that the Cops (sic) were hot on his trail and he had to leave for a while."

D'Iorio says all reports from North Dakota containing information pretaining to Berkowitz or Carr were forwarded to Brooklyn within days of their arrival. Yet, the North Dakota investigators who compiled the information on Carr say they were never contacted by Brooklyn prosecutors or New York City police.

"After Carr's death we compiled a lot of information on Carr, Berkowitz and Carr's involvment in a cult here and in New York," said Lt. Terry Gardner, an investigator in the Ward County Sheriff's Office, who was assigned to the Carr case.

"The information obtained by investigator (Glen) Gietzen and myself showed he was a satanist. He admitted to friends and his therapist that he knew Berkowitz and told his girlfriend he had to get out of town to avoid being questioned about the Berkowitz case," he said.

"We advised (Westchester) of all that at the time of Carr's death. No one from Brooklyn or the NYPD ever contacted us. We dealt with Westchester and the whole thing just died. We don't know why. We couldn't understand why. But it was their case, not ours."

The reports from North Dakota did not mark the first time prosecutors and police had been made aware of Carr's possible involvement in the "Son of Sam" killings. Weeks earlier, reporters met with investigators at the Brooklyn District Attorney's Office and told them that Carr and Berkowitz might be linked through a Yonkers satantic cult and that the cult might be connected to the murders.

In fact, Carr's statements to his girlfriend and others that police were seeking to question him about the case were true. However, it remains unclear if they were seeking him as a suspect, witness or merely on the basis of Berkowitz's ravings about Sam Carr. It also has not been confirmed whether authorities located Carr before he turned up dead in a Minot, N.D., apartment. His death by rifle was at first believed to be a suicide, but is now being probed in North Dakota as a possible murder.

Two days before his death, Carr returned from Yonkers to North Dakota and, according to North Dakota police, told a friend, "If I had stayed in New York, the state would have fried me in the electric chair."

In addition, since Carr's death, these newspapers have uncovered, through interviews with Carr's friends, therapist and others close to the case, a substantial body of information linking Carr to the "Son of Sam" case.

In an interview with reporters after Carr's death, Lee Slaghter, his therapist, said Berkowitz had been a topic of discussion during treatment as early as 1976.

"John told me he looked up to Berkowitz because Berkowitz wasn't afraid to do anti-establishment things.... He told me they used to bum around together in Yonkers," Slaghter said. "He had a tremendous amount of detailed knowledge of the shootings, like the kind of cars the victims were in and things like that."

Several of Carr's associates, including Philip Falcon, who described himself as "probably his (Carr's) closest friend" in North Dakota, said Carr belonged to a "very violent" Yonkers satanic cult, with "many members," and the group's sacrifices "went all the way."

All of this information was available to or possessed by Brooklyn authorites who in May 1978 accepted Berkowitz's guilty plea to six murders and permanently closed their files.

Since that time, Brooklyn authorities have refused to offer any detailed comment or answer any specific questions on any aspect of the case or their handling of it.

Brooklyn District Attorney Eugene Gold has branded as "speculation" and "hypothesis" information developed by Gannett Westchester Newspapers, which undertook its own probe of the case in 1978.

Yet, information uncovered by these newspapers was cited by Queens prosecutors last year when they re-opened the "Son of Sam" investigation. That investigation continues.

For the record, Brooklyn prosecutors say this: "We were never able to establish any evidence that he (Berkowitz) was acting in concert with others (or) evidence linking Berkowitz to anyone else in this case," said Ronda Nager, a spokeswoman for Gold. She emphasized that there is a difference between the legal concept of sufficient evidence and the layman's use of the term evidence.

But Joseph Basteri, then a first-grade homicide detective and an original member of the NYPD's "Son of Sam" task force, offers a different reason for why the case was closed: "The pressure on the police department to make an arrest was tremendous. It was an election year and the case was the bigg[illegible]e ever had. When Berkowitz was caught, we only got to talk to him for a couple of hours and then he was gone. Some of us knew that not everything was adding up. But those concerns were buried by the hoopla. He said he did it alone and nobody argued with him."

Basteri, who retired from the from the police department in 1978 and later served as an investigator on the House Select Committee investigating the Kennedy/King assassinations, adds, "There were two-level promotions in the department. Careers were on the line. Nobody wanted to upset the wagon."

Next: Was the capture of Berkowitz too easy? Did the evidence against him fit together too precisely? Investigators probing the possible involvement of accomplices in the "Son of Sam" murders have uncovered new information indicating Berkowitz may have been "set up."

Anti-harassment guidelines disputed

By LYNN OLSON
Field News Service

WASHINGTON — Are the federal government's new guidelines against sexual harassment a striking example of unwarranted government interference in an area where it does not belong, as the guidelines' opponents claim?

Or are they a badly needed weapon to combat a serious problem that most women face at one time or another in their working lives, as supporters contend?

In the long-simmering controversy over the value of government regulations, the new Equal Employment Opportunity Commission guidelines have become the latest prominent target.

The guidelines, which forbid sexual harassment of employees both in government and private business, were issued late last month, shortly before the release of a government survey in which 42 percent of the female federal workers polled said they had been victims of sexual harassment on the job. About 15 percent of the male workers surveyed said they, too, had been subjected to some form of sexual harassment.

The problems reported by the women in the Merit Systems Protection Board survey ranged from off-color jokes and sexually oriented remarks to pinching, fondling or demands for sex from supervisors or co-workers.

About 1 percent of the 10,000 female respondents said they had been victims of actual or attempted rape or sexual assault.

Women's-rights activists say they believe that the percentage of women who have been subjected to sexual harassment in and outside government is actually far higher than 42 percent.

Donna Lenhoff, a lawyer with the Women's Legal Defense Fund, estimates that about 70 percent of all women in the workplace have experienced sexual harassment of one form or another.

"It's a very extensive problem but one that's not been talked about much because women have been afraid to come forward," she said.

To combat the problem, the guidelines, the first such federal rules adopted in this area, outlaw "unwelcome sexual advances and requests for sexual favors" that are made a condition or term of an individual's employment, or are used as the basis for employment decisions affecting the individual.

Such harassment is to be considered a violation of Title VII of the Civil Rights Act of 1964, which bars discrimination on the basis of race, color, religion or national origin.

Critics say they have little quarrel with this section of the guidelines, agreeing that it does indeed define a form of discrimination. But they object to other sections that, they say, are vague, subjective and impossible to enforce.

For instance, the guidelines ban any conduct of a sexual nature that interferes with an individual's work performance or creates "an intimidating, hostile or offensive working environment," even when no rewards or punishments are implied. EEOC staffers indicate that this could include sexual comments or picture displays.

In another controversial section, employers are warned that they will be held liable for the way fellow employees and even non-employees treat workers if the employer "knew or should have known" that harassment was taking place and did nothing to stop it.

In addition, the EEOC has stated, workers who can show they were victimized by sexually based favoritism shown by an employer to another employee may be able to recover damages.

These rules "don't make any sense at all, either from a policy or a legal viewpoint," says Lawrence Z. Lorber, a Washington lawyer who represents employers in discrimination cases. "They go 'way beyond anything intended by Congress or the courts."

In the Ford administration, Lorber headed the Office of Federal Contract Compliance Programs, which monitored government contractors to see if they met equal employment opportunity obligations.

"How can a co-worker or non-employee be considered guilty of discrimination when they don't have the power to promote or fire somebody? That's what discrimination is," Lorber said. "And how can an employer be held liable for something that he may know nothing about? And what if the charge of sexual harassment comes about as the result of a flirtation or a broken affair?

"How all this stuff is going to be enforced is beyond me," Lorber said. "It's opening up what could be a Pandora's box of lawsuits. What the EEOC has done is really sort of irresponsible. They forget that there's a difference between what you would like to see in the workplace and what you really can prevent."

"These guidelines don't really provide any guidance to employers," said William Knapp, a labor-law attorney for the U.S. Chamber of Commerce. "They simply have enhanced the confusion. We certainly don't condone sexual harassment, but it seems to us that, under the guidelines, employers could be drawn into dealing with interpersonal feelings and relationships that have nothing to do with employment."

EEOC officials emphatically deny that they have any intention of interfering with mutual sexual attraction or activity between consenting adults.

Eleanor Holmes Norton, head of the commission, says the EEOC is "acutely aware of the need to apply the rules of common sense and fairness" in the cases that come before it and that it will make "no attempt to prosecute" workers or employers "unfairly."