

'SAM' SUSPECT, HEAVILY GUARDED, ARRAIGNED AND HELD FOR TESTING



David Berkowitz being booked yesterday at the 84th Precinct, Brooklyn

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6 MURDERED IN A YEAR

Police Say He Was Planning an Attack When Seized Outside Yonkers Home

By ROBERT D. McFADDEN

A reclusive, 24-year-old postal worker alleged to be the night stalker known as "Son of Sam" was arraigned on murder and other charges and held for psychiatric tests yesterday as the police wound down a yearlong investigation of a shooting spree that left six young people dead.

Across the New York metropolitan area yesterday, as fears waned and anger and resentment against the killer waxed, people talked about the intricacies and ironies of a case that had baffled hundreds of police detectives.

Mayor Beame, Police Commissioner Michael J. Codd and numerous investigators and officers who had participated in the biggest manhunt in New York City history appeared at a news conference yesterday and told, among other things, how a parking ticket—"totally mundane and ordinary," in Commissioner Codd's words—and a neighbor's suspicions had combined with massive and dogged detective work to crack the case.

The suspect, David Berkowitz, an Army veteran and former auxiliary policeman who has been employed at a Bronx post office since last March, was seized Wednesday night as he emerged from his apartment building at 35 Pine Street in Yonkers, just north of the city, and entered his cream-colored Ford Galaxie sedan with the .44-caliber revolver believed to have been used in eight attacks on 13 people since July 29, 1976.

The police said that the suspect, by his own account, was seized as he left home to seek out another victim, this time in the Riverdale section of the Bronx.

He also said, according to police interrogators, that he had been making plans to commit a mass murder with a machine gun at a discothèque in one of the fashionable communities along the South Shore of Suffolk County. When taken into custody, he had a loaded machine gun in his car.

Booked on Four Charges

After being held overnight at Police Headquarters in lower Manhattan, the suspect was booked yesterday morning at the Gold Street station house in Brooklyn on four charges: the slaying of Stacy Moskowitz, the latest "Son of Sam" victim, on July 31 in an ambush on Shore Parkway near the Brooklyn waterfront; the attempted murder of her companion, Robert Violante, who has been left nearly blind by the attack; felonious assault on Mr. Violante, and the possession of a dangerous weapon—the .44-caliber Charter Arms Bulldog revolver believed to be the one that claimed the lives of six persons and left seven others wounded.

Under extraordinary security precautions—manacled and surrounded by successive rings of detectives and court officers—Mr. Berkowitz was arraigned shortly before noon before Richard A. Brown, an acting State Supreme Court justice, in the Criminal Court Building in downtown Brooklyn.

Outside the courthouse, sidewalk crowds chanted, "Kill! Kill!", but Mr. Berkowitz was taken into the building by underground tunnel from the nearby Brooklyn House of Detention. Clad in the same blue-and-white striped short-sleeved shirt and blue jeans he was wearing when arrested, Mr. Berkowitz appeared calm and alert as he stood be-

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fore the bench during the 15-minute hearing.

"You, sir, are David R. Berkowitz?" asked Justice Brown.

"Yes," whispered the defendant in tones barely audible to the hushed, overflowing crowd, composed mostly of reporters who had been thoroughly searched. It was the only word Mr. Berkowitz uttered during the hearing.

'Son of Sam' Evokes Clare

The charges were read twice, by Justice Brown and by Ronald Iello, an assistant district attorney, who is chief of the homicide bureau of the Brooklyn District Attorney's office. Mr. Iello told the court that the defendant had "made statements"—that is, admissions—about the crimes.

"It is our position that Your Honor has before you the .44-caliber killer, also known as the Son of Sam," Mr. Iello said.

At the words "Son of Sam," Mr. Berkowitz turned his head sharply and glared at Mr. Iello, who proceeded to ask that the defendant be held without bail.

Mr. Berkowitz had two court-appointed attorneys, Leon Stern of Mineola, L. I., and Philip Peltz of Brooklyn, although it was not clear who had selected them or whether both would be retained for the rest of the case.

Mr. Peltz did not ask that bail be set, saying: "It would be in the best interests of the defendant that he not be at liberty at this time."

The defense lawyer then suggested that Mr. Berkowitz be transferred to the psychiatric ward at Kings County Hospital for psychiatric tests and that he be kept segregated from other prisoners.

The judge concurred, and said: "I am of the opinion that this person may be an incapacitated person—one who as a result of mental disease or defect lacks the capacity to understand the procedures against him or to assist in his own defense. I am not making any determination at this point.

"Suffice it to say that he be remanded to the custody of the Corrections Commissioner and that he be kept under a close watch and that he be segregated from all other prisoners under maximum-security conditions."

Mr. Berkowitz was then led away and taken to the hospital. Ordinarily, psychiatric tests of criminal suspects require 30 days, but officials said reports might be made available to the court in a week or two. District Attorney Eugene Gold of Brooklyn, meantime, said that evidence was already being presented to a grand jury and that indictments were expected to be handed up today or Monday.

The Jigsaw Pieces

While the initial charges against Mr. Berkowitz related only to the Brooklyn shootings, charges stemming from seven previous shootings in Queens and the Bronx were expected to be made later by authorities in those boroughs.

The homicide charge lodged against Mr. Berkowitz is one of second-degree murder, carrying sentences of 25 years to life imprisonment. First-degree murder charges, which carry the death penalty

under New York State law, may only be lodged in the death of police officers or prison guards.

As the first legal formalities in the case unfolded, the story of the police investigation—and a tangle of happenstance that added pieces to the jigsaw puzzle—began also to emerge, along with voluminous information about the suspect.

Mr. Berkowitz, said by the police to have been adopted, was born June 1, 1953, in Brooklyn and grew up in the Bronx, where he attended Columbus High School and Bronx Community College, a unit of the City University. His father, Nat, is retired and living in Miami, and his mother is deceased, the police said.

The police said that details of Mr. Berkowitz's adoption were sketchy, but that his original name was David Falco and that he went into the Berkowitz home as a child.

The police said he was an unexceptional student, and for several years had served as an auxiliary policeman in the city. He enlisted in the Army and served from 1971 to 1974, according to Army records, which listed him as a specialist fourth class, who had qualified in infantry training as a "sharpshooter," a middle level of marksmanship, and had served about one year in South Korea with the Second Division.

After being discharged, he was employed for about two years as an unarmed security guard for I.B.I. Security Services Agency in New York City. Last March, he became a \$13,000-a-year postal clerk, running mail-sorting equipment and working the 4 P.M. to midnight shifts at the Central Post Office in the Bronx, on the Grand Concourse.

Frank Viola, the Bronx postmaster, said records showed that Mr. Berkowitz had had four days off from July 28 through 31. Although scheduled to report back on Aug. 1, Mr. Berkowitz has not been at work since, Mr. Viola said.

No Previous Record

Between 1969 and 1976, he is known to have had at least two residences. He lived with his father in a four-and-a-half-room apartment at 170 Dreiser Loop in Co-op City in the Bronx and, later alone in a studio at 2161 Barnes Avenue, the Bronx.

In February 1976, he moved to New Rochelle, where he took an apartment in a private home. But he moved out in a huff after about three months, complaining bitterly about his landlady's German shepherd. He then moved to his present \$230-a-month studio on the top floor of a seven-story apartment house called Pine Hill Towers, overlooking the Hudson in Yonkers.

He had little money, apparently—\$214 in a Dime Savings Bank account at a Bronx bank branch, and \$4 in his possession when arrested.

Court papers yesterday showed that he had no previous police record. Although the suspect was in custody yesterday, a big question in the minds of detectives and ordinary people still had not been answered.

"Why?" one detective asked the suspect during questioning overnight. "Why did you kill them?"

"It was a command," Mr. Berkowitz



David Berkowitz being led into 84th Precinct house in Brooklyn by Detectives John Falotico, left, and Edward Zigo

was quoted as having said. "I had a sign and I followed it. Sam told me what to do and I did it."

The detectives said that, while Mr. Berkowitz appeared to be lucid at some points in the questioning, he had spoken incoherently at other points. However, he did answer questions correctly about a letter whose contents only the killer could have known, the police said.

The letter, left after the ambush murders of Valentina Suriana and Alexander Esau on April 17 in a parked car in the Bronx, was signed "The Monster," and it contained the killer's reference to himself as "The Chubby Behemoth,"—words, the detectives said, that had never been made public.

Officers involved in the interrogation quoted Mr. Berkowitz as having said he had been "out driving every night since last July looking for a sign to kill." Mr. Berkowitz also said that, contrary to investigators' beliefs, he had not looked for victims inside discotheques, never wore a wig and had not always fired in a crouched, two-handed combat style.

Mr. Berkowitz told the police that his .44-caliber revolver had been purchased by an Army buddy last year in Houston. W. M. Rothgeb, a Houston agent of the Bureau of Alcohol, Tobacco and Firearms, said the gun had been sold on June 12, 1976—six weeks before the attacks began—by a pawnshop called the Spring Branch Jewelry and Loan Company.

The purchaser, Billy Dan Parker, of Houston, was not being charged with any offense, the agent said, but Federal investigators were looking into the possibility that firearms laws had been violated.

He acknowledged, the police said, that his attacks were made at random, although he insisted that they were "commanded" in messages from "Sam." He defined Sam as a neighbor in Yonkers who "really is a man who lived 6,000 years ago," but who relayed messages through a dog. "He told me to kill," Mr. Berkowitz was quoted as having said.

The neighbor, the suspect explained, is Sam Carr, a 64-year-old answering-service operator who has a dog named Harvey. Detectives said that the dog had been shot under uncertain circumstances last April.

Mr. Berkowitz was quoted by interrogators as having said that he usually parked his car about a block and a half from the scenes of his attacks.

He denied that he had ever been jilted by a woman, as some investigators had theorized, and he said that his victims' hair length and color had had "nothing to do with" their selection.

The suspect, according to the interrogators, said that he had not at first intended to kill Stacy Moskowitz two weeks ago, but had instead thought of slaying another young woman parked in a car nearby in the Bath Beach section of Brooklyn. He changed his target, he said, when the

car in which the first-intended victim was sitting moved.

He told questioners, too, that he had intended to go out "to kill in the Bronx—I was going to look in Riverdale" when he was arrested.

Beyond Mr. Berkowitz's admissions, the police had a number of key pieces of evidence yesterday against the suspect. Ballistics experts confirmed that the .44-caliber revolver seized with him had been the gun used in the murder of Miss Moskowitz. The police had previously said that tests had shown that all eight attacks had been made with the same weapon.

The police also said publicly for the first time that they had been in possession of the killer's fingerprints since last May, when some were lifted from a letter that Son of Sam had sent to Jimmy Breslin, the Daily News columnist.

Commissioner Codd noted at yesterday's news conference that these prints had not been useful in the investigation because there is at present no capability of matching an isolated print with the millions on file with the Police Department and the Federal Bureau of Investigation.

The massive investigation and manhunt for the killer for more than a year was marked by a dearth of clues and leads.

The vacuum left by the lack of evidence was filled by an around-the-clock investigation by up to 300 detectives working full time and hundreds more working on their own time to track down leads, no matter how seemingly frivolous.

At least 3,000 people were investigated as possible suspects. Calls and letters—many of them rambling, incoherent and vengeful, often seeking to settle some personal score with a disliked neighbor—were checked. Psychologists, psychiatrists, hypnotists, numerologists and other experts and pseudo-experts were consulted.

As months passed and the toll of victims mounted, fear spread through the city's normally quiet neighborhoods, and even into the suburbs as the well-publicized anniversary of Son of Sam's first attack approached at the end of July.

While increased street patrols concentrated their efforts in Queens and the Bronx, where all the previous attacks had occurred, the killer struck in Brooklyn's Bath Beach section near the shore of Gravesend Bay a mile south of the Verrazano-Narrows Bridge. And instead of striking on the anniversary of his first attack July 29, he hit in the early morning of July 31.

In that attack, Miss Moskowitz was fatally wounded by a bullet that entered the back of her head. Her escort, Mr. Violante, whom she was dating for the first time, was also struck in the head by a bullet that destroyed his left eye and has

left him virtually blind in the right eye. It was that last attack, however, that provided the investigators with a breakthrough.

According to the police, a ticket for parking too close to a fire hydrant at Shore Parkway near Bay 17th Street was placed on Mr. Berkowitz's car shortly after 2 A.M., on July 31, about 50 minutes before the attack.

A resident of the area—identified as a Cecilia Davis of Bay 17th Street—later told the police that she had seen officers ticketing the car. Moments later, a young man "came right up to her, five feet away, and looked right in her face, saw that she was middle-aged and turned and walked away," one detective said.

"He carried a dark object in his right hand," the detective said, quoting the woman.

The woman, who was walking her dog, became frightened and ran home. "She was standing on her stoop unleashing her dog when she heard the shots and the squeal of a horn," said the detective. Then, afraid that Son of Sam might go after her, the woman waited four days before contacting the police.

Her account, apparently, is what prompted the police to investigate all traffic tickets issued to any cars in the area of, and around the time of, the attack. This inquiry did not lead directly to Mr. Berkowitz's car, but it dovetailed with an opportune report from the Yonkers Police Department.

For the last few months, Craig Glassman, a Westchester County deputy sheriff who moved into an apartment below Mr. Berkowitz's last March, had been receiving threatening notes and had suspected Mr. Berkowitz, who also had arguments with other tenants.

Mr. Glassman did not at first link Mr. Berkowitz with the Son of Sam case, but complained about him to the Yonkers Police Department only in connection with the letters. However, after the New York City police issued a new and more detailed composite sketch of the killer last Tuesday, his suspicions mounted.

He addressed his suspicion to the Yonkers police, who passed it on—with Mr. Berkowitz's name—to the task force investigating the Son of Sam killings in New York City.

The police credited Capt. Joseph Borrelli—who formerly headed the task force and has been a principal commander throughout the investigation—with drawing the key connection between the ticket issued to license plate number 561 XLB—Mr. Berkowitz's—and the complaint about Mr. Berkowitz passed along about Mr. Berkowitz passed along by the Yonkers police.

On Wednesday afternoon, a team of 15 officers and detectives from New York City, Yonkers and Westchester County went to Mr. Berkowitz's apartment building and found his car parked outside.