

Berkowitz Purchased Semiautomatic Rifle in Brooklyn Early in 1976

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David R. Berkowitz bought the .45-caliber semiautomatic rifle that the police say he planned to use in an attack on a Long Island discothèque and a final suicide shootout in an apparently legal purchase from a small gun shop in Brooklyn on Jan. 26, 1976.

The weapon, which looks like a Thompson submachine gun, was allegedly taken from Mr. Berkowitz's car the night he was arrested and identified by the police as "Son of Sam."

The police said Mr. Berkowitz had told them he was planning the strike against a discothèque in the Hamptons that evening and would then shoot it out with pursuing officers.

"I wanted to get killed," officers quoted Mr. Berkowitz as saying, "but I wanted to take some cops with me."

Barbara Rutuelo, the owner of the Empire Gun and Coin shop, at Eighth Avenue and 56th Street in the Bay Ridge section, said she saw Mr. Berkowitz on television after his arrest and recognized him as the man to whom she had sold an automatic rifle a year and a half earlier.

'Very Nice Fellow'

Mrs. Rutuelo said Mr. Berkowitz, who she recalled as "a very nice fellow," had apparently seen a magazine advertisement for the weapon, a Commando Mark III, and had been referred to her by the wholesale distributor, Commando Arms Inc. in Knoxville, Tenn. She said he paid \$152.50 for the short, stubby rifle and a clip that would hold 30 bullets.

"David had a validated New York City firearms permit," Mrs. Rutuelo said, "and I'm licensed to sell through the Fire Arms Control Board."

She said that Mr. Berkowitz seemed like "a serious-type individual" and that "I kind of got the impression he was a military type."

In purchasing the weapon, she said, Mr. Berkowitz had filled out city and Federal forms testifying that "he was not a junkie, not a nut, a mental case, and that he had not been dishonorably discharged."

When she heard the police reports on what Mr. Berkowitz had allegedly intended to do with the weapon, Mrs. Rutuelo said, she thought: "What a shame!"

But she added: "The law said I could [sell the weapon], and I did, and I didn't feel any way guilty about it. I had the necessary papers. It wasn't my guilt. I



The New York Times/Tyrone Dukas

Barbara Rutuelo in her Empire Gun and Coin shop with weapon similar to one she sold to David R. Berkowitz

wasn't too upset about it. He didn't do it. If he had, I don't know . . ."

D. E. Smith, a director of Commando Arms, said the firm annually sells about 3,000 to 4,000 of the .45-caliber semiautomatic rifles, the only product it markets.

He said that the gun had been sold to hunters and police departments, but that it is "used a lot as a home-type defensive weapon—it can easily be stored in a closet and women can shoot it because of its light recoil."

Mr. Smith said he had never known of one of the rifle's being used in "any illegal activity," but Mrs. Rutuelo said she had been told that a Commando stolen from her shop had been used in

the robbery of a bank and a subway token booth.

The Firearms Control Board was established in 1968 to regulate the sale of shotguns and rifles in the city. It requires applicants for permits to be at least 18 years of age and reviews their backgrounds. The board does not require that an applicant demonstrate a particular need to own a rifle or shotgun, is required by the Police Department of those who apply for permits to obtain pistols.

Before the board was established, Mrs. Rutuelo said, she used her own discretion in deciding whom to sell guns to, and even now "I still try to avoid a sale if I think they're a ding-a-ling."

But with or without the board, she said,

"David would have got [the gun]."

"He was so nice, not the run of the mill that come in," she said. "We get a lot on the rough and tumble side. He was very different—very nice, very soft-spoken."

According to the police, the weapon Mr. Berkowitz used in a yearlong shooting spree in which he allegedly killed six young people and wounded seven others, was a five-shot, .44-caliber Charter Arms Bulldog pistol purchased for him by an Army buddy in Texas. That weapon was seized along with the semiautomatic rifle.

The police said they also found a shotgun and a disassembled rifle in Mr. Berkowitz's apartment at the time of his arrest. The origins of these weapons were not immediately known.