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The chief administrative judge of the State Supreme Court in Brooklyn said yesterday that he would welcome intervention by a higher court to settle a dispute among three of the city's district attorneys before it led to multiple competency hearings for David R. Berkowitz, the man accused of being the .44-caliber killer.

This latest development in the legal twists in a case made more complicated by politics and publicity, came during a day marked by several other events:

¶ The chief psychiatrist who concluded earlier this week that Mr. Berkowitz, who has been charged with the so-called "Son of Sam" killings, was incompetent to stand trial at this time said that it was wrong for John Santucci, the Queens District Attorney, to read a brief excerpt from the psychiatrist's still-sealed report in court because the excerpt was taken out of context. The portion read by Mr. Santucci noted that Mr. Berkowitz was aware of the proceedings against him, but was so "emotionally dead" that he was unable to assist in his own defense.

Court to Decide Competency

¶ A behind-the-scenes rift between Mr. Berkowitz's lawyers became more obvious yesterday as Mark Heller, hired by Mr. Berkowitz's half-sister, and Leon Stern and Ira Jultak, hired by Mr. Berkowitz's father, disagreed on whether to release the entire eight-page psychiatric report to the public.

¶ A State Supreme Court justice disclosed that an early tape made by Philip Peltz, a Brooklyn lawyer who represented Mr. Berkowitz, contained an interview between the suspect and the chief psychiatrist, and may have been among the tapes Mr. Peltz tried to sell to newspapers for cash.

The controversy over Mr. Berkowitz's competency to stand trial will be resolved not by the psychiatrists now examining him but by a Supreme Court justice at a later date.

Eugene Gold, the Brooklyn District Attorney, this week challenged the psychiatric report by Dr. Daniel W. Schwartz

and his associate, Dr. Richard L. Weidenbacher Jr. Both psychiatrists found Mr. Berkowitz to be suffering from paranoia. The task of the two psychiatrists was limited to determining whether the 24-year-old former mail clerk was able to understand the murder charges against him and was capable of assisting his lawyers in his defense. They concluded that he was not.

Mr. Santucci, who like Mr. Gold is seeking re-election to office this year, has also formally challenged Dr. Schwartz's findings and has asked for and received permission to have a psychiatrist of his choice examine Mr. Berkowitz.

Mario Merola, the Bronx District Attorney, is expected to take similar action when Mr. Berkowitz is due in State Supreme Court in that borough on Sept. 20.

In saying he would welcome intervention by the presiding justices of the First and Second Appellate Divisions—which oversee the counties in which charges of six murders and seven attempted murders are pending—Justice Charles R. Rubin, the administrative judge of State Supreme Court in Brooklyn, said that since all three prosecutors are challenging the first psychiatric evaluation, "they should all get together on it."

"My own feeling is that with the Appellate Division's interest in orderly process, they might just call the three District Attorneys in, sit them down, tell them to stop wasting money, stop impeding the process and get the show on the road," Justice Rubin said in an interview. Conceivably, the justice added, the three District Attorneys could decide on the psychiatrists they want to use and have them give testimony at only one competency hearing.

The presiding justices of the Appellate Divisions have general supervision of their court systems and it does not seem likely that they have the authority to order the District Attorneys to do anything. But should they take the unusual step of interceding, they might resolve the conflict, sources said, by using the power of their position to persuade the District Attorneys to join forces on the

competency matter.

Only yesterday morning, Dr. Schwartz, Justice Rubin, the defense lawyers, the Brooklyn District Attorney's office and other court officials held a formal round-table meeting at which Dr. Schwartz turned over to defense and prosecution the tape recordings, notes, letters and other documents he used in formulating his psychiatric evaluation of Mr. Berkowitz.

Justice Gerald S. Held of State Supreme Court disclosed that he and other court officials had listened to the so-called Peltz tapes—nine in all and about four hours long—in search of Dr. Schwartz's interview with the suspect. It had been recorded on Mr. Peltz's tape recorder. Afterwards, the Peltz tapes, previously impounded, were resealed.

Justice Held also ordered lawyers, on threat of disciplinary action, not to release the Schwartz material to anyone, including the Bronx and Queens district attorneys.

Friction Bursts Into Open

It was before the 55-minute meeting that the friction between Mr. Stern and Mr. Heller burst into the public arena as Mr. Heller jockeyed for full disclosure of the Schwartz psychiatric report and Mr. Stern opposed it. Later, Mr. Heller backed down. On Tuesday, the defense moved to have the report sealed.

Mr. Stern and Mr. Jultak, his associate, did not want to be specific about the issues that had caused friction among the attorneys, but both men said they could no longer "ratify" the statements of Mr. Heller because he rarely consulted with them before making them.

For his part, Dr. Schwartz said in an interview that he would have preferred that Mr. Santucci had read the entire report in open court.

"I understand the pressure the District Attorney is under in Queens," the psychiatrist said in an apparent reference to Mr. Santucci's political campaign. "But I am saddened he chose to read a paragraph out of context.

"There is room for honest men of good faith to disagree. But don't judge the report by a fragment."