

Secrecy of Berkowitz sanity report is challenged

By Jimmy Breslin

New York Daily News columnist

New York—A letter from David Berkowitz sits on my desk. Berkowitz, also known as Son of Sam, was sent by the courts to Kings County Hospital Center in Brooklyn for mental observation. Berkowitz was arrested Aug. 10 for killing six people and wounding seven with a .44 Bulldog revolver.

Last Tuesday, Dr. Daniel Schwartz, chief psychiatrist at Kings County, reported to the court that Berkowitz is mentally incompetent to stand trial.

The letter from Berkowitz, postmarked Aug. 25, reads: "Dear Mr. Breslin,

"It has come to my attention that you wish to speak to me. Well, all you have to do is come over to my home at Kings County Hospital. At this time I am unable to visit you.

"I am quite disgusted with the way the press has been spreading lies about me, but perhaps some of these can be ironed out in our meeting. However, I am not one to cry out a case of injustice.

I hope Mayor Beame enjoys dribbling my head across the court. This is like a circus event with clown and criminals. Please bring a beer when you come.
"Sincerely, David Berkowitz."

Return letter

Berkowitz wrote for a simple reason: I wrote him a letter and he answered it. In my letter, I said that in his letter to me last June he promised he someday would introduce me to the person he calls Sam. I reminded him of the promise and said I wanted to come over and see him and meet Sam. Berkowitz renewed this invitation, which, at an appropriate time, will be accepted.

There is concern about the doctor's decision that Berkowitz is incompetent. The families of victims believe that Berkowitz, who they believe killed their

relatives, will pay no heavier penalty than to stroll about the lawns of a hospital until a lawyer comes up with a way to get him out.

Much of this concern is from misconceptions because the courts, in their inability to trust and communicate with the public, have decided to keep the psychiatrist's report on Berkowitz secret.

The letter appears to be written by a sound person, one who can remember to put a comma after the words "however" and "well," and who has the ability to attempt some grisly humor in his writing: "I hope Mayor Beame enjoys dribbling my head across the court. This is like a circus event with clowns and criminals. Please bring a beer with you when you come."

Ruling questioned

Lacking information, the families of victims, and most people in New York, have questioned the incompetency opinion for reasons that, under the circumstances, appear sensible.

The night Berkowitz was arrested, he sat in the chief of detectives' office and was questioned at length by police and district attorneys.

One detective who questioned Berkowitz walked out and said, "This guy couldn't stand a trial. He's a lump. You can't even get mad at him. . . I can't even get mad at him. He's just nothing."

There is a need for the complete transcript of Dr. Schwartz' findings to be made public. Dr. Schwartz was allowed only to state that Berkowitz was "incapacitated . . . as a result of mental disease or defect" and that he "lacks capacity to understand the proceedings against him or to assist in his own defense."

Report hidden

The report, which could end so much anxiety, is hidden because, while there is a court debate over Berkowitz' competence, there appears to be none over the public's

The courts feel the public is not capable of reading the reasons.

If Berkowitz is ruled incompetent, he will be sent to a mental institution. Sometime, if doctors decide he is competent to stand trial, Berkowitz will be sent back to Brooklyn for a murder trial.

Berkowitz, if found guilty, could be sentenced to 25 years to life. Or Berkowitz could be found insane and could be sent back to a mental institution. The years probably will add up to much of a lifetime before any attempt to get Berkowitz out could be made.

Out earlier?

However, if the court decides Oct. 6 that Berkowitz should stand trial, the guy

could be out on the street years earlier than if the ruling of incompetency is allowed to stand.

There is the possibility that once inside a mental institution, Berkowitz never will be released. But for those who lived through Son of Sam, there is a profound need for something stronger than possibility: the people want to know the guy won't be back.

The letter on my desk, written in script this time, and signed by David Berkowitz and not Son of Sam, stands as a challenge to official ignorance:

You tell us that this man is crazy. You tell us that this man cannot be tried in a courtroom. Then prove it to us.

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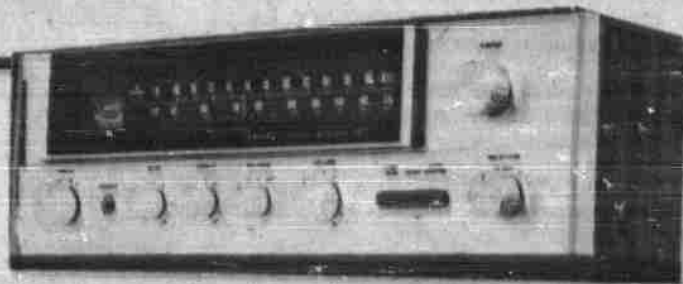
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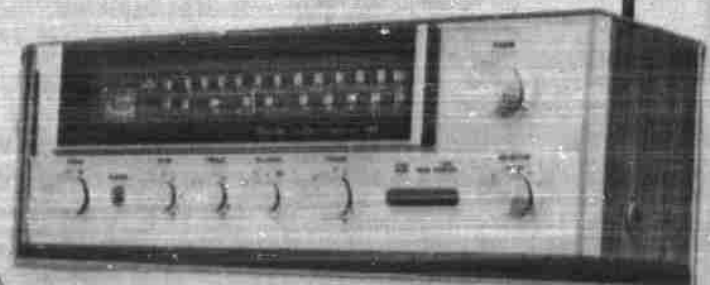
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