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Michelman acquitted in baby-sale case



Staff photo - Al Wain

Spring Valley Attorney Stanley Michelman is all smiles as he relaxes at home after verdict.

By KATHRYN KAHLER
Staff Writer

MANHATTAN — Spring Valley resident Stanley B. Michelman was acquitted Wednesday of criminal charges that he illegally placed children for adoption.

A jury of five women and seven men in state Supreme Court found the Manhattan attorney not guilty of the 18 charges, including seven felonies, after four hours of deliberation.

Michelman, standing at the defense table with his attorney, wept and clutched his attorney's hand as the verdict was delivered.

The "hardest day of my life" became one of his happiest days, he said following the verdict.

Michelman 37, was indicted last February on 75 felony and 117 misdemeanor counts, including perjury, fraud, conspiracy, obstruction of justice, and the illegal placement of 34 children for adoption in connection with his private adoption practice. It was charged that he earned \$170,000 in the process.

He still faces similar charges in Suffolk County. Michelman's defense attorney, Ivan Fisher, said he will move to dismiss the case because of a double jeopardy clause which states that a defendant cannot be tried twice for the same crime.

As soon as the verdict was read, Michelman's 11-year-old daughter, Shari, asked her mother, Lenore, "Is that good?"

She and her sister, Marcy, 7, broke into tears.

Genevieve Herbert, forewoman of the jury, said the entire case rested on whether the lawyer was guilty of placing out a child for the purpose of adoption. She said Michelman simply wasn't guilty of selling babies.

The prosecution had tried to prove that Michelman had made all arrangements for placing the children for adoption.

"Once we decided he wasn't, all the other counts fell into place. There was no intent to deceive, no obstruction of justice. We felt the prosecution had no case. There's no such thing as selling kids. He represented the adoptive parents, and

that's completely legal," Mrs. Herbert said.

The prosecution's case was predicated on two false addresses. The prosecutor simply did not have a chance in China of getting Mr. Michelman convicted," she said.

As she left the courtroom she kissed Michelman. He invited her to a Friday victory party at his offices at 250 W. 57th St.

During the jury's deliberations, members asked for a reading of some testimony and a repeat of the judge's charge on what "placing out" meant.

Deliberations took four hours be-

cause three jurors, two men and a woman, were holding out for conviction.

But while the three were ready to convict the attorney, who specialized in private placement adoptions for eight years, another juror said he knew from the first day Michelman was innocent. He declined to reveal his name.

And Minnie Youmans, who said during questioning as a possible juror that she had two illegitimate children, said, "There wasn't enough evidence to show he was guilty. We felt the natural mother

placed out the children and that was it."

Gertrude Hourie also said she felt the prosecution didn't prove the case, but conceded she was leaning toward acquitting Michelman throughout the proceeding.

Informed courtrooms sources familiar with the case said Assistant District Attorney Joseph V. Morello lost the case because he "didn't go for the jugular. He dealt with the legal aspects, but didn't paint a picture of the evil, money-grubbing character of this business."

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Attorney toasts verdict, says he'll resume work

By KATHRYN KAHLER
Staff Writer

"So they indicted a man who's never hurt anyone, who's never done anything wrong in the field of adoptions."

Stanley B. Michelman says he will resume his private adoption practice.

"I was in business to make money. I was satisfied with the income I was earning, but I was more satisfied with what I was doing," he said as his 37-year-old wife, Lenore, talked to other friends about how proud she was of her husband.

Michelman testified the most he made in any year was \$38,000.

One of the jurors, Gertrude Hourie, who was named as an unindicted co-conspirator and testified for the prosecution, toasted the defense attorney, Ivan Fisher.

"Here's to the lawyer's lawyer," he said.

"Hip, hip, hurrah," Mrs. Michelman said.

"On to Suffolk," the defendant followed.

Michelman still faces charges in Suffolk County in connection with his adoption practice. His lawyer said he will move to quash the in-

dictment on grounds of double jeopardy.

Setting back in his chair, his two daughters asking for tips of champagne, Michelman said he was "damn proud" of his international network whereby he brought European women to New York to give birth and surrender their babies to adoptive couples.

"I just wish I had a bigger one. My only regret is that we couldn't help more than 300 families adopt children," he said.

Michelman conceded his reputation has been hurt by the legal problems, but he knows he can rebuild his practice.

"I'll reapply to become an authorized adoption agency," he said. Michelman filed corporate papers in Delaware for The American Adoption Agency Inc. in September 1976, but his efforts were stymied when the Social Services Department there questioned his reputation. He also applied to become an agency in New York, but his license was denied by the state Board of Social Welfare.

"My background and ability, coupled with an agency license can do invaluable things for the field of adoptions," he said.

Did David Berkowitz have an accomplice?

This is the last of a five-part series disclosing that David Berkowitz who terrorized New York City for a year, could have been jailed two months earlier on charges unrelated to the Son of Sam murders.

By MAURY TERRELL
and TOM BARRELY
(Copyright, 1979, Westchester Rockland Newspapers and Maury Terrell)

David Berkowitz insisted last year over his lawyers' objections on avoiding a trial by pleading guilty to all the Son of Sam attacks.

He now says others could go to jail if he tells all he knows about the 44-Caliber case.

That Berkowitz bombshell, dropped in the course of a four-hour interview last week that he will no longer discuss the case until the mystery surrounding the year-long murderous march of Son of Sam through the streets of New York.

Disturbing questions—some of them prompted by new information unearthed in the course of a Gannett Westchester Rockland Newspapers investigation—have emerged in the 18 months since Berkowitz' arrest. They have created growing doubt among members of the public, the police and even the prosecution itself over whether Berkowitz acted alone.

Among the questions:

• The Son of Sam letter to New York News columnist Jimmy Breslin contains what Berkowitz says are references to crimes he committed in Yonkers. Yet Berkowitz refused to discuss who wrote the letter and an internationally prominent handwriting analyst flatly declares Berkowitz not only did not write the letter but was intellectually incapable of it. Who wrote that letter, and why?

• Only days before the Son of Sam arrest, two telephone callers, one a man identifying himself as David Berkowitz of Pine Street in Yonkers, expressed interest in a German shepherd advertised for adoption. The second caller also mentioned Pine Street in Yonkers. A day later, two men appeared at the Mamaroneck kennel to

see the dog. A kennel employee later identified one as Berkowitz. His description of the companion matched those given by some Son of Sam victims. Who were the men interested in the shepherd and why?

• In Berkowitz' Yonkers neighborhood, where he admits he shot dogs, three dead German shepherds were unearthed behind his apartment house the day after his arrest. Berkowitz insists he did not kill them but says, "I have a good idea who did." Moreover, three more shepherds were found slain and a fourth wounded in virtually the same location after Berkowitz was behind bars. Who has been, and may still be—killing shepherds, and why?

(Please turn to 6A)

Nation

The Social Security Administration says it has been unable to credit nearly 169 billion in wages to the correct workers — 3A

China

China says it will leave Vietnam if that nation pulls out of Cambodia. Meanwhile, the U.S. opens Peking embassy — 3A

Magazine

Ranch-raised furs can be fun, fashionable and inexpensive, too. And, in this energy-conscious time, they are not only warm but are a long lasting part of any wardrobe — Thursday Magazine

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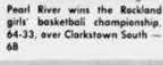
Local

A court ruling that would allow a contract with prisoners awaiting trial is likely to spark added disputes around the county jail — 1B

Spring Valley police are searching for clues to a shooting by a man armed with a semi-automatic weapon — 1B

Sports

Rockland athletes win 11 individual first places plus two relay titles of the Section 9 state qualifying track and field meet — 6B



Pearl River won the Rockland girls' basketball championship, 64-33, over Clarkstown South — 6B

Noises caused by sonic booms?

By RICHARD LAUDOR
Staff Writer

Reports of loud noises and houses shaking in North Rockland and elsewhere Wednesday were possibly caused by the sonic booms of two supersonic military aircraft flying close together.

William Donn, professor of geology and meteorology at the Lamont-Doherty geological observatory in Palisades, said the facility "recorded two strong sounds at 11:58 a.m., about nine seconds apart," but did not know precisely what caused them until a tape recording is analyzed today.

The impact of the noises was felt as far away as Monroe in Orange County, but appeared centered in

the North Rockland area. No damage was reported.

Donn's report substantiated those of Stony Point and Tomkins Cove residents, who began flooding local police with calls shortly before noon, some fearing a possible earthquake when the booms appeared to shake their houses.

However, Donn said, "It was definitely not an earthquake. There was nothing on the seismograph. If there had been an earthquake, we would have picked it up." He also said a late flight of the Concorde, a commercial supersonic transport, had been ruled out as a possible cause.

Reports from the Stony Point section of Sellers of unexplained loud sounds there could also be explained by a sonic boom, which might have resulted from two mil-

itary planes flying close together, Donn theorized.

"Two big explosions would have the same effect," Donn said, but wouldn't have been heard as far away as Wednesday's, two blasts. "A plane flying along would affect all the areas underneath it," he said.

Contacted by phone, several Stony Point residents said they had noticed the "two big bangs," as Laura Young, 17, of Wayne Avenue called them.

"It sounded like a dump truck dropped something right in the driveway," Laura said. "The first thing that came to mind was an earthquake, but then I thought it was a sonic boom."
Diane Rubin, 31, of 19 Autumn Lane, said "my house shook twice

and it felt like the wall caved in." She said neighbors also felt the vibrations.

In Tomkins Cove, Claire Schaeper of Mott Farm Road said her house shook and that she heard "two bangs around noontime. I thought it was blasting."

The impact appeared to have been most strongly in the central section of Stony Point, while Thelma and West Haverstraw residents didn't notice it at all.

"I felt the house shaking about 11:58 or noon, but I didn't hear anything," 18-year-old Kathy Dowd of 55 Maple Ave., Stony Point, said.
Haley Crager, 19, of Stone Point Avenue, said "the whole house shook, but I didn't hear anything. Everything in the room shook. I thought the house would cave in."

Begin critical of U.S. support for Egypt stand

WASHINGTON (AP) — President Carter, frustrated, impatient and already supporting key Egyptian demands, opens new Middle East peace talks tonight with Israeli Prime Minister Menachem Begin.

The outlook for wrapping up a treaty did not appear bright as Carter prepared for what he says will be "a frank discussion of the issues."

Before flying here, Begin criticized the United States for supporting Egyptian proposals he said were totally unacceptable to Israel.

He also called on the United States to work to change Egypt's position on the remaining issues.

The American delegation should think again and change their attitude," he said before boarding an El Al flight to London and New York. "I believe it is the duty of the United States to convince the Egyptians to change their attitude."

He added that Israel had already made "great sacrifices" for the cause of peace.

Begin did not elaborate on the issues he found unacceptable, but diplomatic sources in Washington told the Associated Press the specifics of U.S. support for Egypt's stand on the three major unresolved issues. The sources insisted on anonymity.

First, the sources said, the administration agrees a one-year time-

table for establishing Palestinian autonomy in Israeli-held territory should be included in the Egyptian-Israeli treaty.

The United States is proposing that Begin and Egyptian President Anwar Sadat exchange letters providing that a Palestinian authority be set up in the west bank of the Jordan River and in the Gaza district within a year of a treaty signing.

Begin has insisted that Palestinian autonomy be negotiated separately and that the treaty be completed on its own.

Sadat, not wanting to be accused of making Arab countries of making a separate peace with Israel or of forsaking the Palestinians, has long demanded a timetable.

Second, the sources said, the administration backs the Egyptian position that the treaty not take priority over Egypt's military ties with other Arab countries.

Sadat has insisted on revising a treaty provision that gives peace with Israel a precedence over Egypt's promises to aid other Arab countries under an attack by Israel.

The U.S. formula, presented by the two sides Secretary of State Cyrus R. Vance last week at Camp David, Md., provides that Egypt and Israel reserve their rights to act in collective self-defense.

This would be stated in a provision. (Please turn to back page)

