



Newsday Photos by Bob Luckey

Marching on Their Day Off

Public schools in Brooklyn and Queens were closed yesterday to mark the annual celebration of Christian Education Anniversary Day. But the youngsters pounded the pavement in numerous parades. With flags fluttering above, and a mini-float, below, they march along Commonwealth Boulevard in Hollis in a parade sponsored by Holy Trinity Lutheran Church. The day commemorates the organization of the first Sunday school in Brooklyn, in 1910.



Pact Is Reached For State Reform On Insanity Plea

By Bob Keeler
Newsday Albany Bureau Chief

Albany—Final agreement has been reached on reforming the state's "insanity defense" law, and on a new law designed to protect the public from the improper release of suspects who have been ruled mentally incompetent to stand trial.

The insanity-defense bill is almost identical to the one submitted last month by Gov. Hugh Carey, on the recommendation of the State Law Revision Commission. It covers only those found not guilty by reason of insanity, and focuses primarily on custody procedures after their acquittal. There are now a few more than 300 such persons in the state. But the bill does not do anything about the 1,300 persons being held in mental institutions because they have been found incompetent to stand trial.

Senate and Assembly negotiators insisted on handling that problem, too, and they have drawn a separate bill that has the agreement of Carey's counsel and the commission.

If a person is confined after having been found incompetent to stand trial, the bill would require the Office of Mental Health to notify the police, the sheriff, the district attorney and any potential victim before transferring that person to a less-secure facility or allowing a furlough.

The notification would have to be made at least four weekdays before the proposed change. During the four days, the district attorney could ask a court to prohibit the change. If the court found that the patient was a danger to himself or others, it could order a six-month postponement of the status change.

With such a law, the Nassau County district attorney could have asked a judge to prevent Adam Berwid from being released on furlough from Pilgrim Psychiatric Center in Brentwood, where he was being held because he had been found incompetent to stand trial. In December, when Berwid was granted a furlough, he murdered his wife, Ewa, at her Mineola home, police said.

Hal Patrick, counsel to Sen. Frank Padavan (R-Jamaica Estates), who pushed for the Berwid bill in negotiations, said that the bill would solve the problem as well as a statute can.

On the insanity defense, the Law Revision Commission rejected a proposal that would have scrapped the insanity defense completely. It concentrated, instead, on the question of what happens once the defendant is acquitted because of insanity and sent to a mental hospital.

Under the new bill, the defendant would automatically be given a psychiatric examination. If the psychiatrists find a mental disorder

that constitutes a danger, the court would commit the defendant to a secure facility for six months. During that time, there could be no transfer to a nonsecure facility and no furlough.

The bill also calls for a series of hearings to determine whether the patient should later be held or released, and whether a release should carry conditions, such as a requirement for out-patient treatment. Various parties including the district attorney would get advance notice.

The bill would also change the verdict from "not guilty by reason of mental disease or defect" to "not responsible by reason of mental disease or defect."

Son of Sam Accomplice Theory Traced

—New York (AP)—The question of whether David Berkowitz had an accomplice in the "Son of Sam" killings has finally gotten into a legal forum—but the evidence, presented at a detective's disciplinary hearing, reveals that the idea was first developed with the help of a Queens woman who once made headlines by claiming to have had visions of the Virgin Mary.

The accomplice theory was developed on the basis of information provided by Mrs. Veronica Lueken, it is contended, and was pushed by Det. Henry Cinotti. At first, in August, Police Department officials thought enough of the idea to embark on a "discreet and confidential investigation" into the question of whether Berkowitz had an undiscovered helper in killing six persons and injuring seven others. But three months later, the probe was ended, and the department remained firm in its position that Berkowitz had acted alone.

Cinotti, a 17-year veteran of the force, now faces nine charges of violations of department rules and procedures.—Continued on Page 25

30-Day Term for Egg Attack on Koch

New York (AP)—A California doctor—who tried to protest proposals to close municipal hospitals by striking Mayor Edward I. Koch while holding a raw egg—was sentenced yesterday by a judge who called his act unconscionable, fined him \$1,000 and ordered him to spend 30 days in jail.

Koch, who had testified at the doctor's trial as a prosecution witness, said he felt that the sentence was "an appropriate response and I do not quarrel with it."

In imposing the sentence, Criminal Court Judge Patrick McGinley had termed the attack on the mayor unconscionable, especially from a physician, and said that it would have been "no less intolerable if done to a private citizen."

The defendant, Dr. Nayvin Gordon, 31, could have received up to one year in jail. But his lawyers said they would appeal the case, and would make an immediate application for bail.

Gordon, who practiced medicine in city hospitals before moving to San Diego, was convicted March 27 of misdemeanor assault stemming from the incident, which occurred Nov. 5. He was accused of striking Koch in the face and punching the mayor while holding an egg. The mayor had been preparing to address the opening session of the convention of the American Public Health Association at the New York Hilton. Gordon, a member of the association, was protesting the mayor's proposed cuts in

the municipal hospital budget.

Just before being sentenced yesterday, Gordon made a short statement, saying, "The real criminals are Koch, Carter and the big bankers who run New York City." He said he struck the mayor because he was angry at "Koch, the racist murderer."

Outside the court, members of the International Committee Against Racism demonstrated against the sentencing.

The judge said he had been "most impressed" by letters sent by colleagues of Gordon, attesting to the doctor's devotion to patients and family. But the judge added, "Those traits are apparently reserved only for those who share his political views." And he said, "Dr. Gordon's action indicates his

position and his profession."

Defense attorney David Rosoff made a long pre-sentencing statement in which he called Gordon's trial "a political trial," labeled Koch derisive, and said that the mayor "used racial prejudice to divide the city."

Assistant District Attorney John Fried, in his pre-sentencing statement, asked that Gordon be sent to jail because "our democracy will be threatened" if leniency were to encourage "individuals like Gordon who seek to change public policy through acts of violence."

Two other participants in the incident—Gordon's wife, Linda, 31, also of San Diego, and Charles Wright, 27, of Hindman, Ky.—were previously fined and released.

College Point Group Trying To Block Sale of Institute

College Point—A group of residents will meet with staff members from the office of State Attorney General Robert Abrams today in a last-ditch effort to stop the sale of the historic 112-year-old Poppenhusen Institute to a church.

Next week, the institute's board of directors is scheduled to appear in State Supreme Court in Jamaica to seek the permission that is required when a charitable organization proposes to sell its assets. The board plans to close the \$175,000 deal with the Korean Evangelical Church of Flushing on June 30.

"They're going ahead with plans to sell, regardless of the feelings of community," said Ellen Stevenson, a member of the Concerned Citizens for Poppenhusen, an ad hoc group which is seeking to keep the three-story landmark building as a community facility.

Board members, who already have accepted a 10 per cent deposit from the buyers, say the sale is an acceptable solution to an old problem. The institute, which was founded in 1868 by College Point rubber manufacturer Conrad Poppenhusen, has no money to pay for repairs on the building, they say. The board estimates that it would take between \$100,000 and \$250,000 to renovate.

"The plumbing is entirely inoperable," said board member Alan Kraemer. "The building needs new boilers and roof repairs. It's not usable as is."

Opponents of the plan offer no realistic alternative, Kraemer said. "They've made no attempt

whatever to raise funds," he said. "They want to preserve the building. Preserve it for what? The Korean church knows and understands that it's a historical landmark, and they intend to preserve it. They intend to rent out space to any responsible community group."

But Mrs. Stevenson, whose group is sponsoring a demonstration at the institute June 14, said, "There's a glazier who's offered to fix every broken window for free and to provide the glass. Someone with roofing materials has offered to fix the roof. A painter has said he'd paint the entire interior if he can get people committed to doing the scraping."

Kraemer said that such offers rarely panned out. And even if these offers did, he said, the institute has no money to pay for workmen's compensation insurance.

A spokesman for Abrams said that the attorney general was "sympathetic to the notion of having the building remain in community hands." He said that Abrams, whose role is to represent the beneficiaries of the charity in court, would evaluate proposals from both sides before making a recommendation to the court next week. The board wants to use the funds from the sale for a scholarship program for College Point young people.

The building, declared a landmark in 1970, has served in recent times as a training center, offering courses such as sewing and typing for nominal fees.

—Edmund Newton



LPT Photo

N. J. Dump Afire Again

Fire fighters in Elizabeth, N. J., hose drums of toxic chemicals last night at the Chemical Control Corp. dump site after an explosion set off a three-alarm fire that resulted in minor injuries to three fire fighters. The dump was the scene on April 21 of a spectacular blaze that sent clouds of poisonous fumes over Staten Island and Manhattan. This time, officials said, there was no immediate concern about fumes escaping from the illegal dump site.

Son of Sam Accomplice Theory Is Traced

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dures. His hearing was to continue today.

Cinotti's chief informant in building the theory, the department contends, was Mrs. Lueken. Cinotti admits that he sometimes worships with Mrs. Lueken. He is accused, among other things, of having interfered with a news photographer, who held proper credentials, during a rally conducted by Mrs. Lueken on Feb. 1, 1979, at the site of the former World's Fair Vatican Pavilion in Flushing Meadow-Corona Park. In a confidential department memo, the photographer is quoted as calling Cinotti the "head honcho" of a group of men who act as bodyguards for Mrs. Lueken.

Mrs. Lueken made headlines in the mid-1970s with statements that she had had frequent visions of the mother of Jesus. Weekly prayer meetings held by her followers in Bayside led to confrontations in 1975 between the worshippers and civic leaders. The Roman Catholic Church has labeled her a fraud.

The charges against Cinotti could lead to his dismissal from the force. Among the most serious accusations are that he disobeyed orders; that he

gave a free-lance writer confidential information; that he took an unauthorized trip to Minot, N.D., as part of his Son of Sam investigation, and that while there, he interrogated witnesses in the presence of the writer, Maury Terry.

The Queens district attorney's office reopened its own Son of Sam investigation after Terry's stories were published. An official said that the district attorney's inquiry is now at "an evaluation stage."

Some of the interest in the conspiracy theory stems from speculation that Berkowitz—currently serving a 315-year term at Attica State Correctional Facility—knew either or both of Sam Carr's two sons, both of whom are now dead. Sam Carr, an elderly man, was Berkowitz' neighbor in Yonkers. At one time, Berkowitz told police that it was Carr who had mysteriously commanded him to kill to satisfy blood-thirsty demons—hence the "Son of Sam." In February, 1978—six months after Berkowitz' arrest—John Carr died in Minot of gunshot wounds, possibly self-inflicted. His brother, Michael, died when he drove his car off the West Side Highway in October, 1979, in the midst of

the Police Department probe. Investigators said that his body contained a high level of alcohol.

According to the department's charges against Cinotti, the detective disobeyed orders to reveal the identity of his informant on the conspiracy theory—Mrs. Lueken—not in order to protect her but because he "knew that if the source of his information was revealed, there would be serious questions as to the credibility and reliability of this information."

A secret department memo, used as an exhibit at the hearing, shows that the basis for Cinotti's Aug. 10, 1979, request to conduct an investigation of the theory was information from an unnamed source who said that Berkowitz had been observed in Queens, shortly before his arrest, with a man who the informant claimed was active in occult activity.

According to department memos, an investigation determined the informant "to be one Veronica Lueken, who is known to this department because of her unorthodox religious practices."

The man said to have been seen with Berkowitz—whom Mrs. Lueken suspected of possibly being involved in the Son of Sam killings, and who was not named because he has never been accused—also has been the subject of attention from the Queens investigators, informed sources said.

According to confidential Police Department memos, Cinotti and Terry traveled to Minot during the Labor Day weekend last year to investigate John Carr's death and reports that the other man, the one suspected by Mrs. Lueken of being an accomplice, had been seen in Minot both in 1976 and 1977. The question of whether the Lueken suspect had been in Minot "had become an issue crucial to the investigation which was considered to be highly confidential," according to those documents. Nevertheless, it is charged, the detective interviewed several witnesses and friends of Carr in the presence of Terry.

Sources in the Police Department said that an internal probe showed that Cinotti and Terry were "working together" when the detective had been specifically ordered not to talk to reporters about the investigation. A source close to the Queens probe said that several of the witnesses quoted

in Terry's articles have failed to make equally strong statements to investigators. Some have even denied making statements attributed to them, the source said.

Washington (AP)—Two congressmen have demanded more details of social security benefits that they said were being paid to convicted "Son of Sam" killer David Berkowitz.

In a letter made public yesterday, Rep. Mario Biaggi (D-Astoria, Bronx) and Rep. William Whitehurst (R-Va.) said they had "confirmed in general terms" that Berkowitz was receiving such payments, but said they were uncertain of the amount or circumstances.

Social Security spokesman Jim Brown said the federal Privacy Act prohibited his agency from commenting on any individual Social Security beneficiary.

"If our information is correct, this represents a serious abuse of our Social Security system," the two congressmen said in their plea for help from the chairman of the House Social Security subcommittee, Rep. J. J. Pickle (D-Tex.).

Attorneys for Berkowitz are also seeking veteran's benefits for him, claiming that his disturbed mental condition was caused by his military service. A spokesman for the Veterans Administration said no decision had been reached in the Berkowitz case.

Corona Store Clerk Is Killed in Holdup

Corona—A 23-year-old grocery store clerk died last night after he was shot in the chest by one of two holdup men, police said.

The men entered the store at 105-02 34th Ave. just before 6 PM and accosted the clerk, identified by police as Francisco Surliel. Police said that according to witnesses, one man grabbed Surliel and shot him once in the chest. The men then fled. No money was taken from the store.

Surliel was admitted to Elmhurst General Hospital, where he was pronounced dead at 11 PM. The investigation is continuing.

Passenger Shoots Cabbie

Astoria—A medallion cab driver was shot and wounded three times yesterday by a passenger who ignored an offer of money in exchange for safety, according to police.

Driver Louis Martir, 45, of 45 Haywood St., Brentwood, was reported in stable condition early this morning at Jamaica Hospital, where he had been brought after a passerby noticed his injuries.

Detectives gave the following account:

At about 3:30 PM, at 35th Street and Broadway in Astoria, Martir was flagged down by a man in a gray jogging suit with blue stripes on the arms. Martir drove him as far as 139th Street and 11th Avenue when he told the driver to pull to the curb and stop the meter. Martir complied, and then turned to face the passenger. As he did, he saw that the man had a gun.

Martir begged the gunman not to shoot him, offering to give him "some

money" in exchange for safety. But the gunman fired five times at close range, hitting Martir three times—in the right cheek, and the right arm and shoulder. Martir started the cab, driving toward the Van Wyck Expressway.

Moments later, the gunman jumped or fell from the vehicle—still holding the gun—and fled, running along the expressway service road.

The cabbie, apparently dazed, continued driving. At 127th Street and Atlantic Avenue, a passerby noticed his injuries and called police.

Police have asked the public to help them find the gunman, who was described as 25, black, 5 feet, 9 inches tall, of medium build. He was wearing red shorts over his jogging clothes and carried a small "airline-type" bag. Anyone with information is asked to call Det. Thomas F. McTigue of the 113th Precinct Detective Unit at 978-7911.