

Accomplice theory part of 'Sam' prober's defense

By RICHARD T. PIEN-
CIAR
Associated Press Writer

NEW YORK (AP) — A police detective's theory that David Berkowitz had help in the Son of Sam was part of his defense today at a disciplinary trial on charges he acted improperly while investigating his hypothesis.

The theory of Detective

Henry Ciotto, a 17-year veteran who faces dismissal from the force, prompted his superior last year to authorize a "discreet and confidential investigation" into the possibility that Berkowitz had helpers in killing six and injuring seven others.

There's no question the Police Department hierarchy thought enough of Ciotto's ideas last August to

authorize the probe, but evidence proffered at the trial, conducted intermittently since mid-May, has served to discredit the accomplice theory.

In ending the three-month probe late last year, department superiors remained adamant that Berkowitz acted alone, maintaining that the argu-

matically had visions of the Virgin Mary. Shortly thereafter, Ciotto was charged with nine violations of departmental regulations. The department rested its case Tuesday, the previous session.

Defense attorney Charles Simpson maintains Ciotto is the victim of a cover-up. "My client is here solely for trying to do his job, which if he was allowed to do it, might have been damaging to the department," he alleged one day in court.

But the department contends that Ciotto's chief informant in building the theory was Veronica Luken, a woman the Roman Catholic Church called a fraud in 1975.

It is further alleged that Ciotto refused to reveal the identity of his informant 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."

Witnesses from across the country tracked to Mrs. Luken's weekly prayer meetings, held outside a church in the Bayville Hills section of Queens until confessions between civic and religious leaders and her followers in 1975 led to a court-sanctioned appeal and fined her at \$5,000.

Gordon, who is from San Diego, Calif., said he was still angry at "Koch the racist murderer" because of the mayor's proposal to close several municipal hospitals.

At City Hall, Koch said McGinley's decision "was an appropriate response and I do not quarrel with it."

McGinley, sitting in Manhattan, told Gordon he would be sentenced to another 30 days in jail if his fine is not paid by July 2. Defense lawyers plan to appeal but Gordon began serving the 30-day sentence immediately.

Moments after the judge passed sentence, about 20 of Gordon's supporters jumped to their feet in the crowded courtroom and started shouting. "Racist Koch should be inside, we charge you with genocide."

Prosecutor John Fried called Gordon a "skilled and talented physician who provided quality medical care to those who can least afford it." He said Gordon wanted to bring public attention to the proposed hospital closings.

In doing so, the prosecutor said, Gordon "ought to intimidate not only Mr. Koch, but other public officials who dared to take positions different from his own."

Luken is sometimes worshiped by Mrs. Luken — is an occasion that he is referred to with a properly credited address as a photographer during a Feb. 1, 1975, rally conducted by the woman at the site of the former Vatican Pavilion at the 1964 World's Fair in Flushing Meadow Park.

The confidential department memo quoted the photographer as describing Ciotto as the "head honcho" of a group of men who act as bodyguards for Mrs. Luken.

But Ciotto faces more serious accusations: that he disobeyed orders; that he gave freelance writer Mary Kay confidential information; that he took an unauthorized trip to Mount N.D., as part of his probe; and that while there he interrogated witnesses in Terry's presence.

Terry and a writer colleague, Jim Mittraeger, wrote a series of articles published last year in the Gazette's Westchester Rockland Newspapers, including The Journal-News, about the conspiracy theory.

The Queens district attorney's office dropped its Son of Sam investigation afterward. An official said recently that the district attorney's probe is at an evaluation stage.

The man Mrs. Luken suspected of possibly being involved in the Son of Sam

killings — named in numerous internal Police Department documents obtained by The Associated Press but not named here because he has never been accused —

also has been the subject of attention from the Queens investigators, sources said.

Some of the interest in the conspiracy theory stems from speculation that Berkowitz, who is now serving a 30-year term at Attica State Correctional Facility, knew either of both of Sam Carr's two sons — speculation fueled by the fact that both are now dead.

Sam Carr was Berkowitz's neighbor in Yonkers, an elderly man whom the killer claimed had commanded him to kill to satisfy blood-thirsty demons — thus the term Son of Sam.

In February 1978 — six months after Berkowitz's arrest — John Carr died in Mount of Gabriel, possibly self-inflicted.

His brother, Michael, drove his car off the West Side Highway in October 1979 in the middle of the Police Department probe. Investigators say his body contained a high level of alcohol.

In investigating Ciotto's theories, one of the things a superior recommended studying was whether John Carr actually knew Berkowitz, a confidential Police Department memo disclosed.

A secret department memo used as a trial exhibit shows that Ciotto's Aug. 10

1979 request to conduct an investigation of the accomplice theory was based on Mrs. Luken's information that Berkowitz was seen in Queens County shortly before his arrest, in the company of a man whom Mrs. Luken alleged was active in occult activity — the man she suspected was an accomplice.

There also were reports that John Carr knew the alleged occult activist as well as Berkowitz.

The question of whether the Luken suspect had been in Mount N.D. had become an issue crucial to the investigation which was considered to be highly confidential, according to confidential Police Department documents.

OBITUARIES

James H. Prober, retired auditor

James H. Prober, 77, a retired auditor for the Metropolitan Life Insurance Co., died Thursday of natural causes at Summit Park Hospital in Pomona.

He was born in Brooklyn and was an Upper Nyack resident for 38 years, living at 316 N. Broadway. Mr. Prober retired from Metropolitan Life in 1967.

Survivors include his wife, Mary Hart; a son, Prober, a son, John, and a daughter, Betty, all of the home address.

Services and burial will be private.

Arrangements are being handled by the High E. White Funeral Home, 413 S. Broadway, Nyack.

Memorial donations may be sent to the Nyack Community Ambulance Corps.

Florence McCLOUD, former resident

Services will be held Saturday for former Suffern resident Florence McCLOUD, 72, who died Wednesday of natural causes at Harden Hill Hospital in Goshen.

Mrs. McCLOUD was born in Cornwall and had been a resident of Goshen for 13 years. She lived on Hill Road.

She was a retired cook for the Pinehurst Nursing Home, Tallman, and had also been a New York Telephone Co. operator.

Surviving are her husband, Howard J., a son, G. Crawford of Goshen; two sisters, Charlotte Wright of Suffern and Myrtle Tamm of Goshen; and three grandchildren.

The Saturday services will be held at 10 a.m. at the Wampanoag and Carrough Funeral Home, Route 59, Suffern. Interment will follow at Brick Church Cemetery in Spring Valley.

Visiting hours at the funeral home are today from 2 to 4 and 7 to 9 p.m. Memorial contributions.

DEATH NOTICES

CAPALBO, Angiola, suddenly on June 5, 1980, at the age of 82. Born in Italy. Burial at St. Vincent Church, Orangeburg, N.Y. on June 12, 1980, at 10 a.m. Friends may call Tuesday 7 to 9 p.m. and Wednesday 10 to 12 p.m.

ROSENER, Arthur, beloved brother of Mrs. Private Eugene, died suddenly on June 5, 1980, at the age of 78. Burial at St. Vincent Church, Orangeburg, N.Y. on June 12, 1980, at 10 a.m. Friends may call Tuesday 7 to 9 p.m. and Wednesday 10 to 12 p.m.

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Egg ends up on face of physician

NEW YORK (UPI) — A doctor who pelted Mayor Edward Koch with an egg and punched him in the face was ordered Thursday to spend 30 days in jail and pay \$11,000 fine.

Criminal Court Judge Patrick McGinley said he imposed the sentence on Dr. Nayim Gordon, 31, because Gordon committed "an intolerable act" that was especially "unbecomingly" for a physician.

Later, Gordon went before Manhattan Supreme Court Justice Ewo Prentiss who stayed the sentence pending appeal and fined him at \$5,000.

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Ruth Heller, county resident

Services will be held Saturday for Ruth Heller, a Spring Valley resident who died Wednesday of natural causes at Good Samaritan Hospital in Suffern. She was 79.

Born in Jersey City, N.J., she lived most of her life in Long Island before moving to Spring Valley six years ago. She resided at 10 Catawanna Drive.

She is survived by her husband, Bernard, of the home address and several nieces and nephews.

The Mass of Christian Burial will be held Saturday at 10 a.m. at St. Joseph's Church in Spring Valley. Burial will be at Rockland Cemetery in Sparkill. Visiting hours at the Suffern Funeral Home, Route 59, Spring Valley, are tonight from 7 to 9 p.m.

Vincent J. Margro, ex-hotel worker

Vincent J. Margro, 91, head of a large family based mainly in New City, died Thursday of natural causes at Nyack Hospital.

Born in Italy, Mr. Margro came to the United States more than 20 years ago and had lived in New City since 1956. At the time of his death, he resided at 32 Badger St.

Mr. Margro was a retired hotel attendant at the Fifth Avenue Hotel in Manhattan. Surviving are seven sons, Louis, Anthony, Arthur and Vincent Jr., all of New City; Gerard of Hollywood, Fla.; Charles of Edison, N.J.; and Alfred of New Hampshire; three daughters, Marie, Joseph and Antoinette Lea, both of New City; and Lucille Rappley of Monterey; 26 grandchildren and 11 great-grandchildren.

The Mass of Christian Burial will be offered at 10 a.m. Monday at St. Augustine's Roman Catholic Church, New City. Interment will follow at St. Anthony's Cemetery, Nanuet.

Visiting will be at the Higgins Funeral Home, 231 S. Main St., New City, today from 7 to 10 p.m. and Saturday and Sunday from 2 to 5 and 7 to 10 p.m.

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You Are Cordially Invited To Attend A FREE SEMINAR ON DIVORCE The fourth in a series of seminars being offered at the law offices of KANTROWITZ & GOLDHAMER Tuesday, June 17, 1980 at 8 P.M.

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