

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

JOHN KEENAN, ESQ.
Special State Prosecutor
Two World Trade Center
New York, New York

BY: THOMAS MC CLOSKEY, ESQ.
Assistant Special State Prosecutor

THE LEGAL AID SOCIETY
For Defendant James Mitteager
67 Targee Street
Staten Island, New York

BY: FELIX GILROY, ESQ.
Associate Attorney

ALSO PRESENT:

DAVID CAMPBELL, Investigator for Special State
Prosecutor

GEORGE DALY, Security Hospital Treatment Chief

-000-

DAVID BERKOWITZ, having been
questioned, gave the following answers:

EXAMINATION BY MR. GILROY:

Q Will you state your name for the record,
please.

A David Berkowitz.

Q Mr. Berkowitz, do you recall being in
Kings County Hospital?

1
2 A Yes.

3 Q Do you recall the name Herbert Clarke?

4 A Yes.

5 Q What do you remember about Herbert Clarke?

6 Can you tell us in your own words.

7 A He was a correction officer. That is all
8 I know about him.

9 Q There were times he talked to you, though?

10 A Yes, we talked about different things.

11 Q Would you say you talked to him on many
12 occasions?

13 A No.

14 Q Do you recall how many occasions?

15 A A couple.

16 Q More than one at least; is that right?

17 A Yes.

18 Q Did you ever see a picture of yourself
19 that appeared in the Post?

20 A Yes. My lawyer showed me it.

21 Q Did he show you other Post stories?

22 A I don't remember what they were.

23 Q But he did show you Post stories; is
24 that correct?

25 A Yes.

1
2 Q Do you recall approximately what time of
3 the year it was that he showed you Post stories?

4 A I don't know.

5 Q Do you recall in what format he showed
6 them to you? Was it during an interview?

7 A Yes.

8 Q You talked to a psychiatrist during that
9 period of time; is that right?

10 A Yes.

11 Q Do you remember what you told him?

12 A Yes.

13 Q Basically?

14 A Yes.

15 Q Do you recall how often you met with the
16 psychiatrist?

17 A About once every two weeks.

18 Q During that period of time, did you receive
19 mail?

20 A Yes.

21 Q Did you send mail out?

22 A Yes.

23 Q Did you ever receive any communication
24 other than mail?

25 A No.

1
2 Q Did anybody ever give you a note or
3 anything like that?

4 A No.

5 Q Do you recall anybody asking you questions?

6 A Almost all the officers asked me questions.

7 Q By that, you mean the correction officers?

8 A Yes.

9 Q They would talk to you about things?

10 A Yes.

11 Q You specifically remember Herb Clarke; is
12 that right?

13 A I remember a lot of officers.

14 Q But do you specifically remember Herb
15 Clarke?

16 A Yes.

17 Q What did he look like?

18 A He was about my size and he was slim. He
19 had a mustache, black hair. I don't know.

20 Q How come you happen to remember him? Do
21 you remember all of the guards?

22 A I remember several I talked to. The only
23 reason I remember him is because everybody was talking
24 about him.

25 Q Do you recall what they were saying about

him?

A It was about the pictures.

Q Can you tell us what you remember about him?

A I don't remember anything.

Q You remember having conversations about the pictures?

A I heard the officers talking about it. They didn't discuss anything with me.

Q They did talk to you on occasion?

A Yes, but not about the picture.

Q How did you find out about the picture other than your lawyer showing it to you?

A That is it.

Q Did you ever answer questions put to you by Mr. Herb Clarke?

A No.

Q Did you ever give him any information?

A No.

Q Did you hear that he was the guard that eventually took the picture?

A I never knew for sure. I just heard rumors.

Q Eventually you heard it, is that right?

A I don't know if it was him. I don't know.

Q That is not my question. Did you ever hear in these conversations back and forth with people that Herb Clarke was the guard that took the picture?

A Yes, but that was just a rumor.

Q You heard it from somebody?

A Yes.

Q When for the first time do you recall hearing that?

A I guess after the pictures were taken.

Q And they were in the newspaper?

A Yes.

Q What was your first contact with Herb Clarke?

A He was guarding me.

Q He spoke to you?

A Yes.

Q He asked you questions like all the other guards?

A Yes.

Q Do you recall some of those questions?

A No.

Q Would it refresh your recollection if I asked you some of the questions he might have asked you?

A No.

Q Do you recall if he asked you about a guy named John Carr?

A No.

Q Do you know a person named John Carr?

A Yes.

Q How did you know John Carr?

A I don't want to talk about it.

Q Do you recall that Herb Clarke asked you about John Carr?

A No.

Q Didn't you tell Herb Clarke why you didn't want to talk about John Carr?

A I don't remember him talking about John Carr.

Q But you remember that he talked to you?

A Yes.

Q Did you just pass the time?

A Yes.

Q Did he ask you about Wheat Carr?

A No. Not to my knowledge.

Q Would it refresh your recollection if I told you he asked you about Wheat Carr?

A No.

Q Is John Carr and Wheat Carr the same person?

A No.

Q Who is Wheat Carr?

A I'd rather not say.

Q Do you have a reason for not saying?

A Yes.

Q Is it because they are involved with you in this situation?

A In a way.

Q How are they involved?

A I'd rather not say.

Q You talked to your psychiatrist, didn't you?

A Yes.

Q You told him about the situation, didn't you?

A Yes.

Q You remember what you told him when you spoke to him?

A Yes.

Q Are you intentionally now not answering my questions?

A Yes.

Q You are doing it knowing that the reason

you are not answering is because it will have consequences for these people; is that right?

A No.

Q Can you tell us the reason why you don't want to answer my questions about them?

A No.

Q But you certainly know that there is a reason for it?

A Yes.

Q A reason they could be harmed by this;
is that right?

A Yes.

Q You told the psychiatrist about certain people, Captain Jack; is that right?

A No.

Q Did you tell your psychiatrist anything about Mr. Cassara?

A I'd rather not talk about it. It doesn't seem to relate to this.

Q If I could explain to you why it does; it passes on the credibility of Mr. Clarke in connection with the trial that is coming up and that will have a very substantial impact on my client. My client is somebody you may have known.

Do you recall ever using the term Sly

Fox?

A No.

Q Would it refresh your recollection if I told you that Herb Clarke refers to himself as Sly Fox?

A No.

Q You spoke to the psychiatrist about Mr. Cowan, didn't you, a fellow from New Rochelle?

A Yes.

Q You told him that Mr. Cassara and Mr. Cowan knew each other?

A Yes.

Q Did you tell him how they knew each other?

A Yes.

Q What did you tell him?

A I'd rather not say.

Q Did Mr. Clarke ask you questions about that relationship?

A I don't remember.

Q But you remember telling your psychiatrist that?

A I guess we talked about it with the psychiatrist. I don't remember.

Q But you remember telling the psychiatrist something about Mr. Cassara and Mr. Cowan; is that right?

A Yes.

Q You told him also that Sam Carr knew these people; didn't you?

A Yes.

Q Did you make that up? Was that a lie?

A No.

Q It is the truth?

A Yes.

Q Do you know where you are today?

A Yes.

Q Where are you today?

A I am at Central New York Psychiatric Center.

Q I can say that at any time, if you want me to stop and take a rest, I will be glad to do that. If it upsets you in any way, let me know.

I am not here to cause you any inconvenience or harm in any way. I am here because I have a client to represent and I have to do that to the best of my ability. I want you to appreciate that.

Do you recall if Mr. Clarke asked you at any time questions about the letters you sent to

Jimmy Breslin and the other people?

A No.

Q You said you know Mr. Cassara; is that because you lived in his house?

A I'd rather not talk about it.

Q Does it hurt you to talk about it?

A No.

Q Would it hurt Mr. Cassara if you talked about it?

A No.

Q Do you intentionally want to hurt my client, Mr. Mitteger, by not talking about it?

A No. I have nothing against that man. I don't know him.

Q You never met him?

A I never met him.

Q But the Special Prosecutor claims that he bribed Mr. Clarke.

A I don't know anything about it.

Q That is why I am asking these questions. There is a whole series of charges that Mr. Clarke communicated with you.

Do you recall seeing him?

A I remember Mr. Clarke.

Q You recall that he did pass you some notes?

A I don't remember.

Q Do you recall giving him answers to those notes?

A I don't remember the notes.

Q This is a particular letter, a copy of it; do you think it will upset you if I show it to you?

A I don't want to see it.

Q Do you recognize your handwriting?

A Yes.

Q Did you write all the letters that the papers say you wrote?

A Yes.

Q Nobody helped you with them in any way?

A No.

Q Do you recall if Mr. Clarke asked you questions about that?

A No.

Q You don't remember?

A No.

Q When did you meet Sam Carr for the first time?

A I don't remember.

Q When did you meet John Carr for the first time?

A I don't remember.

Q When did you meet Wheat Carr for the first time?

A I don't remember.

✓ Q When did you meet Michael Carr for the first time?

A I don't remember.

Q But you know their names; is that right?

A Yes.

Q You remember now that you have met them?

A Yes.

Q You just don't remember when; is that right?

A Yes.

Q In terms of time, as to what happened to you, you do recall what happened in August, don't you? August of 1977 you were arrested?

A Yes.

Q Do you recall the year before that?

A Some of it.

Q Would you recall if you knew them during that period of time? The year before?

A Yes.

Q Would you recall if you knew them in

1976?

A Yes.

Q Do you recall if you knew them in 1975?

A No.

✓ Q You would say then it would be fair that you met them sometime in 1976; is that right?

A Yes.

Q Did you meet them all at once?

A Yes.

Q How did that come about?

A I'd rather not say.

Q Were you in Yonkers when you met them?

A Yes.

Q Do you recall where in Yonkers you were?

A Yes.

Q Where was that?

A I'd rather not say.

Q You told us you met them all at once; was that at a particular party?

A I'd rather not say.

Q Do you recall if Mr. Herb Clarke asked you how you happened to meet all these people?

A No.

Q Did you meet Mr. Cassara at the same time that you met all the Carras?

A No.

Q When did you meet Mr. Cassara for the first time?

A It was earlier in the year.

Q That is in 1976; is that correct?

A Yes.

Q How did you come to meet him?

A I'd rather not say.

Q How did you come to live in Mr. Cassara's house?

A I don't remember.

Q Do you remember what year you moved there?

A No.

Q Did you tell your psychiatrist what year you moved there?

A I remembered back then. I forgot it now.

Q When you say you don't remember to me today, you wouldn't be telling me any intentional lie; would you?

A About what?

Q About the fact that you don't remember.

A No.

Q Will there be certain things I could say that would help you to refresh your recollection or are you just saying you don't remember because you don't want to give any answer?

A Yeah, I guess you are right. I don't want to give you the answer.

Q So that you are intentionally withholding certain information from me; isn't that right?

A Yes, information I feel is not your business.

Q If I were to tell you that the information you are withholding from me could be hurting my client, would you change your mind about that?

A I wouldn't want to hurt your client. As I said, I have nothing against him.

Q What is your present attitude? Do you think you will ever get out of jail?

A No.

Q Do you think if you gave me the answers to these questions that other people might end up in jail?

A There is a good possibility and I wouldn't want that to happen.

Q You are protecting somebody then; is that what you are telling me?

A I don't know, but I don't want to see anyone else in jail.

Q If I were to tell you, if you don't give me the answers to these questions, by intentionally withholding information, there is a possibility my client could go to jail, wouldn't that be just as bad?

A Yes.

Q So that when you are answering these questions, you are making a judgment. You are saying it is all right for Mitterger to go to jail but I don't want my friends the Carrs and Cassara and these other people to go to jail. Is that what you are telling me?

A Well, frankly, I don't want your client to go to jail either. I don't know how I can help him.

Q You can help him by answering the questions truthfully.

A I'd rather not go into detail about these questions because they involve my case and my case is over and I just don't want to bring it up any more.

Q You realize that there was a reason why Mr. Clarke was asking these questions; don't you?

A I suppose.

Q He was really asking these questions to find out if, in fact, you were alone in this; you know that, don't you?

A I really don't know.

Q If I were to tell you that was the reason, would you now admit that you know it?

A No.

Q As I sit here and tell you now the questions were put to you to find out if you were the only person involved, you would know because I am telling it to you.

A I don't know if you are telling me the truth.

Q Did you see the Post quite a bit?

A I didn't see any papers while I was in jail.

Q Did your lawyers talk to you about it?

A Not what was in the paper.

Q You told me you saw your picture, didn't you, in the Post?

A Yes. The lawyers brought in a copy of that to ask me what I knew about it.

Q How did they bring it in?

A They just -- when they visited me, they

Q He was really asking these questions to find out if, in fact, you were alone in this; you know that, don't you?

A I really don't know.

Q If I were to tell you that was the reason, would you now admit that you know it? Using it

A No.

Q As I sit here and tell you now the questions were put to you to find out if you were the only person involved, you would know because I am telling it to you.

A I don't know if you are telling me the truth.

Q Did you see the Post quite a bit?

A I didn't see any papers while I was in jail.

Q Did your lawyers talk to you about it?

A Not what was in the paper.

Q You told me you saw your picture, didn't you, in the Post?

A Yes. The lawyers brought in a copy of that to ask me what I knew about it.

Q How did they bring it in?

A They just -- when they visited me, they

brought it in.

Q Was it in the Post?

A Yes.

Q The whole paper?

A I think so.

Q You told us you were getting letters from people?

A Yes.

Q You remember getting a letter from the Middle of Silence Gallery?

A Yes, quite a few.

Q Did you respond to these letters?

A Yes.

Q Were you ever told that some of the information you sent to those people ended up in the Post?

A Yes.

Q Who told you that?

A A woman named Dee Channel.

Q Who?

A Dee Channel.

Q Is that Deep?

A D-e-e.

Q Channel?

brought it in.

Q Was it in the Post?

A Yes.

Q The whole paper?

A I think so.

Q You told us you were getting letters from people?

A Yes.

Q You remember getting a letter from the Middle of Silence Gallery?

A Yes, quite a few.

Q Did you respond to those letters?

A Yes.

Q Were you ever told that some of the information you sent to those people ended up in the Post?

A Yes.

Q Who told you that?

A A woman named Dee Channel.

Q Who?

A Dee Channel.

Q Is that Deep?

A D-e-e.

Q Channel?

A Yes.

Q Who was she?

A A woman in Oregon.

Q Was she writing to you?

A Yes.

Q Is that how she told you?

A Yes.

Q Do you recall what your attitude was when you heard that those letters were in the Post?

A Yes.

Q What was your attitude?

A I don't know.

Q Didn't you just tell me you recall it?

A I recall the letters were in the paper -- I heard the letters were in the paper. I don't remember what my attitude was.

Q There were a lot of things in the Post, were there not, about you?

A I guess so.

Q Do you remember speaking to the police officers?

A Yes.

Q When you were arrested?

A Yes.

Q Did you tell any of the police officers that you knew Mr. Sam Carr?

A Yes.

Q When did you tell them that for the first time?

A Just after I was arrested.

Q What did you tell them?

A I don't remember.

Q Can you tell us how you happened to tell them that, in what context it came up?

A I don't remember.

Q When you say you don't remember now, is that the same kind of you don't remember as before? You just don't want to give me truthful answers because it will hurt Mr. Carr?

A No. I honestly don't remember.

Q But you remember telling the police about Sam Carr?

A Yes.

Q Did you tell them that he had a dog?

A Yes.

Q Did you tell them that you shot his dog?

A Yes.

Q It is your bullet, that 44 caliber bullet,

Q What bullet is in that dog?

A It is a 45 automatic.

Q When did you shoot Mr. CAFE's dog?

A I don't remember the exact date.

Q Approximately?

A I think it was in the spring.

Q Why did you shoot that dog?

A I had my reasons. I'd rather not discuss them.

Q Did somebody tell you to shoot the dog?

A I'd rather not say.

Q You discussed the dog with your psychiatrist; didn't you?

A Yes.

Q Did you lie to your psychiatrist on occasion?

A No.

Q You always told him the truth?

A Yes.

Q Are you telling the truth all the time here now?

A Yes.

Q Except when you say you don't remember?

A Yes.

Q There are times when you say you don't remember and you are intentionally saying that to keep from answering the questions; is that right?

A That's correct.

Q You don't always tell the complete and whole truth. You are evasive; aren't you?

A I guess so.

Q In some of these letters there is a code; isn't there? A clever code?

A I'd rather not talk about the letters.

Q It would be very important to me if you could at least confirm the fact that there is a code in these letters, without going into the details.

A I wouldn't call it a code.

Q What would you call it?

A I don't know.

Q Doesn't the letter that talks about ficked King Wicker and the pine box and all of that stuff, isn't that sort of a couple of clues to where you were living at the time?

A Yes.

Q You put that in there intentionally; didn't

du?

A Yes.

Q Why did you do that?

A I don't know.

Q Didn't Herb Clarke ask you about that?

A I think he did.

Q That was a pretty exciting point with
in, wasn't it? Trying to figure out that code, the
clues, that you put in the letter?

A Yes.

Q He was really pretty excited about that,
wasn't he? He thought you were a smart guy when you
did that?

A I don't know what he thought.

Q What did you think when he realized, you
both realized, you had this code going in there?

A It wasn't a code.

Q The hints, for want of a better word?

A I don't know what he thought.

Q What did you think as he was asking you
these things?

A I didn't really think anything.

Q Would it refresh your recollection if I
told you you kind of indicated to him that you thought he

1 was pretty smart for figuring out that there was some kind
2 of a little hint in there as to where you lived?

3 A No.

4 Q What can you tell us about the conversations
5 about the hints you put in that letter?

6 A Nothing.

7 Q There is nothing you want to tell us; is
8 that it?

9 A That is right.

10 Q You are going to make me ask you all the
11 questions about it; is that right?

12 A I am not going to talk about the letters.

13 Q Could you talk about the codes or hints,
14 if it is not too much trouble. Would that really upset you?

15 A Yes. It would upset me.

16 Q Could I ask you this; which would upset you
17 more -- does this bother you, this interview?

18 A I don't really care. I don't really care
19 about anything any more.

20 Q If I could give you a little background
21 that maybe could help you, would that help at all?

22 A It is up to you.

23 Q I made a Motion in court to examine you
24 conditionally and the court denied it and said that I could
25

1 speak to you, have an interview like this. So, that is
2 why we are doing this.

3 So that if there is intentional deception
4 on your part, I could ask the court to order you to tell
5 the truth, to swear you as a witness to answer truthfully
6 and it could be difficult. So, if this is less of a
7 bother to you than the other thing, I ask you to answer
8 the questions truthfully.

9 Is that all right?

10 A I guess so.

11 Q When for the first time did Herb Clarke
12 speak to you about the hints in the letter?

13 A That I don't remember.

14 Q How many times did he speak to you about it?

15 A Ten. I am guessing. I don't know.

16 Q But it was a good number, wasn't it, when
17 you say ten?

18 A Yes.

19 Q How did he speak to you about it?

20 A He just talked to me through the bars.

21 Q How long did these little conversations
22 last?

23 A A couple of hours.

24 Q You remember them pretty well, don't you?
25

1
2 A No. I don't remember the conversations
3 very well.

4 Q You remember the content of them pretty
5 well?

6 A They were about the shootings. About my
7 life.

8 Q He at times asked you about the other
9 people, too; didn't he? The Carre and Cassara and
10 everyone else?

11 A Yes.

12 Q You gave him answers?

13 A Yes.

14 Q Did you think he was doing anything wrong
15 when he talked to you about that?

16 A No.

17 Q Did he indicate to you that he was doing
18 that as a normal conversation?

19 A Yes.

20 Q When for the first time did he start to
21 talk to you?

22 A The first time he started to guard me.

23 Q He wasn't the only one that talked to you;
24 is that so?

25 A That's right.

Q Everybody was talking to you at the time?

A Just about.

Q They were curious about your background and everything else?

A Yes.

Q And you were talkative at that stage in your life; weren't you?

A Yes.

Q You were giving them answers, what have you?

A Yes.

Q Did any of the psychiatrists ever ask you if other people were involved with you in these crimes?

A No.

Q Did anybody ever ask you if other people were involved?

A I don't think so.

Q Didn't Herb Clarke ask you those questions?

A I don't remember the exact questions he asked me but they were about the shootings.

Q So did ask you, though, if other people were involved; didn't he?

A I can't say for sure.

Q Did you ever use the term Captain Jack Cosmo at any time in your life?

A General.

Q You did use it?

A Yes.

Q How did you come to use that?

A I'd rather not say.

Q Is he Cassara?

A Yes.

Q Did the general ever tell you to do things?

A I'd rather not say.

Q When you answer that question, is that for the same reason that you said before? That if you told me the truth, it would hurt the general?

A Yes.

Q Do you think you are mentally disturbed now?

A No.

Q You are telling the truth now?

A Yes.

Q Is anybody prompting you to say these things?

A No.

Q You are saying them because they are so;

isn't that right?

A Yes.

Q How did the general know Sam Carr?

A I'd rather not say.

Q Is that for the same reason?

A Yes.

Q If you were to tell all you know about this, there would be other dangerous people who would get in trouble; isn't that so?

A They might get in trouble. I don't know.

Q Do you care about society at large?

A Well, my world is in here.

Q I am asking you; do you care about the world outside?

A I don't know.

Q You said you shot Sam Carr's dog; is that right?

A Yes.

Q How many dogs would you say you shot altogether in that neighborhood?

A In that neighborhood, two.

Q How about the other people, how many dogs did they shoot?

A I don't know.

Q A lot; wasn't it?

A Yes.

Q When did they first start shooting the dogs?

A I don't know. The first time I shot a dog was back in the Bronx.

Q Why did you shoot the dog?

A I had my reasons.

Q Did somebody tell you to shoot the dog?

A No.

Q Were you part of a group that liked to shoot dogs?

A No.

* Q Did you ever go to get a dog from a kennel?

A No.

Q Did you ever get a dog from a kennel?

A No.

Q Did you ever call up a kennel looking for a dog?

A No.

Q Did any of your friends ever do that for you?

A No.

Q How did you happen to pick out the dogs that you wanted to shoot?

A I didn't want to shoot them. I had to.

Q Why?

A I had reasons.

Q Somebody told you to do it; didn't they?

A No.

Q Was it a reason that came from your own mind?

A Perhaps.

Q Were you commanded to do it?

A No.

Q Did you like doing it?

A No.

Q Would you do it again?

A No.

Q Do you think it was wrong?

A No.

Q Why wasn't it wrong?

A I thought these dogs were a danger to society.

Q How many of these dogs?

A Well, there were three that I shot; two died and one lived.

Q So you do care about society because you killed the dogs to protect them; didn't you?

A Yes.

Q You didn't want the dogs to hurt society?

A That's right. I felt they were doing a great deal of damage.

Q How were they doing damage?

A It is really complicated. I'd rather not get into it.

Q I have all day to stay here. I can stay here all day.

A I don't feel like staying here all day.

MR. DALY: I would like to take a little break now.

MR. GILROY: Off the record.

(Discussion held off the record.)

Q I have just been discussing with Mr. Daly that we should stop for awhile and I think we will and resume later.

A Later when?

Q When your psychiatrist comes back.

A I don't see what he has to do with it.

Q I want to be guided by what is best

for you and the institution and everything else and also

1 I have to get this information.

2 I will put the information to you but I
3 don't want it to be so counterproductive as to upset
4 everything.

5 A I'm not upset.

6 MR. GILROY: Do you think we can go on
7 for a few minutes, maybe about another area, Mr.
8 Daly?

9 MR. DALY: All right.

10 Q I would like you to tell us at any time
11 you feel upset about it.

12 Did you have a good rapport with your
13 lawyers? Did you get along with them well?

14 A Yes.

15 Q Do you think they were trying to help you?

16 A Yes.

17 Q Did you ever do anything to help them?

18 A No, I am afraid I didn't.

19 Q Did you ever give them any information
20 about the other people that were involved in this?

21 A No.

22 Q Why weren't you completely honest and
23 fair with your lawyers in disclosing everything to them?

24 A I didn't believe in what they were doing.

Q Could you tell us what you mean by that.

A I didn't feel I really needed lawyers.

Q Is this because you had already more or less decided what you wanted to do when your case came to court?

A Yes.

Q Is that because you knew you had been caught and figured that was the end of what you were doing?

A Yes.

Q How many people are you protecting by not disclosing everything?

A I don't know.

Q Would it be fair to say it is at least eight or ten people?

A Well, I don't know.

Q Can you give me an approximate number?

A I think it is in the hundreds.

Q Did you meet all these people or did they just operate among themselves?

A I'd rather not say.

Q At one point you went to a discotheque called 'Elephas'; do you remember that?

A Yes.

Q Did you go to that one for a particular

1
2 reason?

3 A I'd rather not say.

4 Q Does the name Elephas Levi mean anything
5 to you?

6 A No.

7 Q When you signed your name at the end of
8 the letters, you put a certain inscription on it. You
9 know, a circle and arrows and things. That has significance,
10 doesn't it?

11 A Yes.

12 Q Did you make that up yourself or did
13 somebody give it to you to copy?

14 A I believe somebody put it in my mind
15 to write that.

16 Q Did you ever see a symbol or did somebody
17 give you a piece of paper to follow in tracing that
18 signature and outline?

19 A No.

20 Q When did you first come across that
21 signature outline?

22 A I don't remember.

23 Q Was it in 1976?

24 A I guess that was around the time.

25 Q When really did all your troubles start?

A The day I was born.

Q Did you hurt anybody before 1976?

A Yes.

Q You went to Houston at one point; didn't you?

A Yes.

Q You visited John Carr's wife in Houston; didn't you?

A No.

Q You are smiling now; does that mean you are kind of not telling the truth?

A No, I am telling the truth.

Q Really?

A Yes.

Q What kind of makes you smile? You are hiding something, right? You don't want to be completely honest with me; isn't that so?

A I'd rather not talk about it.

Q Isn't it really true, though, that you knew John Carr's wife lived in Houston?

A Oh, yeah;

Q That refreshes your recollection; doesn't it?

A No.

Q How many times did you meet John Carr's wife?

A I never met John Carr's wife.

Q Did you know what she looked like?

A No.

Q Can you tell us why you went to Houston?

A I'd rather not talk about it.

Q Is that for the same reason, that other people may get in trouble?

A Yes.

Q If you thought these other people were hurting society at large, you would care about it enough, wouldn't you?

A Well, I don't think too much can be done about the situation now.

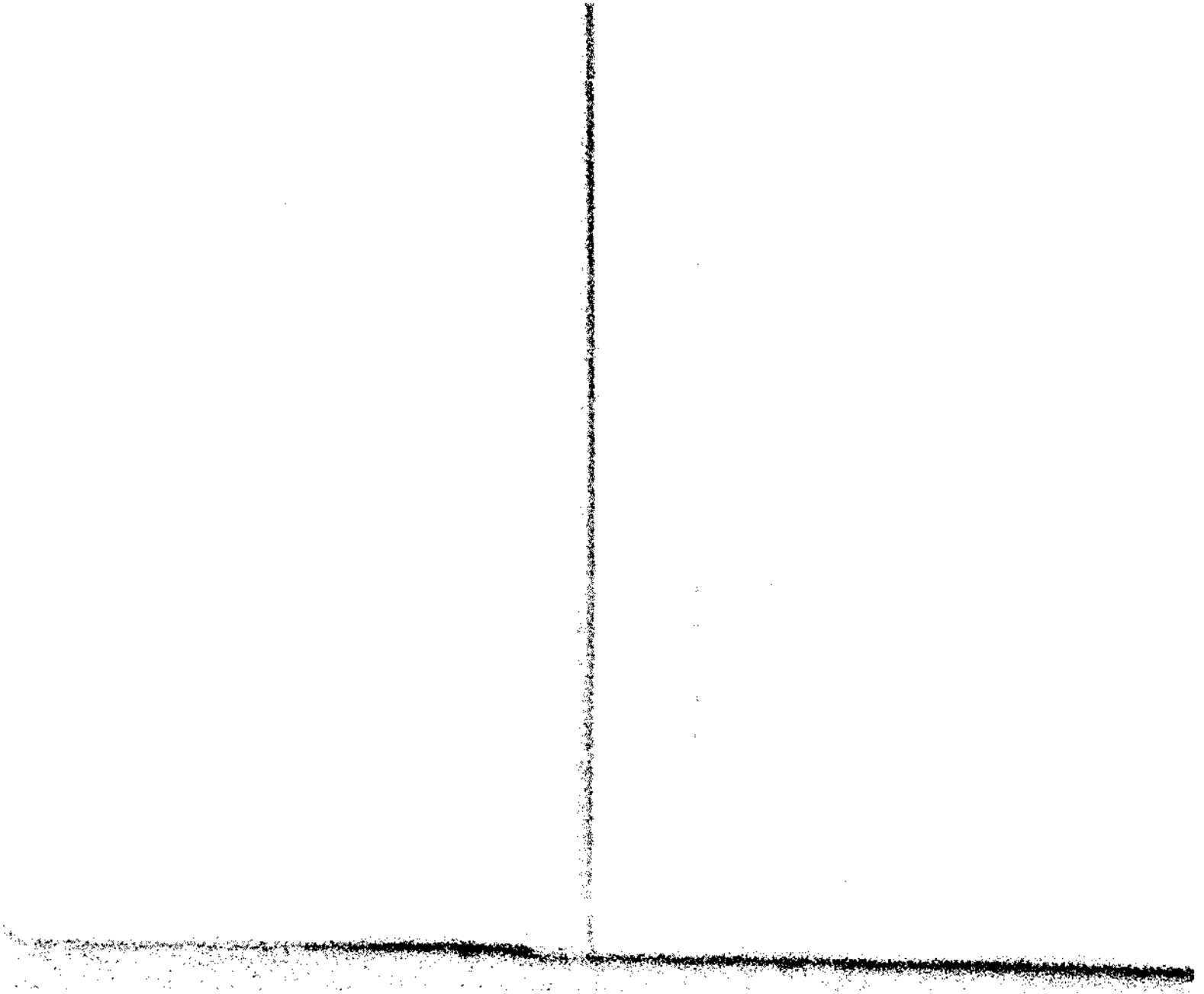
Q Is it completely out of control?

A Yes.

Q Why do you say that?

A Well, it is hard to explain. I don't really want to go into it.

Q Mr. Mitterger had gotten a lot of information about that. You knew that, didn't you?



Q How many times did you meet John Carr's wife?

A I never met John Carr's wife.

Q Did you know what she looked like?

A No.

Q Can you tell us why you went to Houston?

A I'd rather not talk about it.

Q Is that for the same reason, that other people may get in trouble?

A Yes.

Q If you thought those other people were out hurting society at large, you would speak about it though, wouldn't you?

A Well, I don't think too much can be done about the situation now.

Q Is it completely out of control?

A Yes.

Q Why do you say that?

A Well, it is hard to explain. I don't really want to go into it.

Q Mr. Kitzinger had gotten a lot of information about that. You know that, didn't you? Because you know him to be Sly Fox II?

A I didn't know him to be Sly Fox II.

Q How many times did you meet John Carr's wife?

A I never met John Carr's wife.

Q Did you know what she looked like?

A No.

Q Can you tell us why you went to Houston?

A I'd rather not talk about it.

Q Is that for the same reason, that other people may get in trouble?

A Yes.

Q If you thought these other people were out hurting society at large, you would care about it though, wouldn't you?

A Well, I don't think too much can be done about the situation now.

Q Is it completely out of control?

A Yes.

Q Why do you say that?

A Well, it is hard to explain. I don't really want to go into it.

Q Mr. Mitzeager had gotten a lot of information about that. You knew that, didn't you? Because you knew him to be Sly Fox 2?

A I didn't know him to be Sly Fox 2.

Q Did you ever read about devil worship and things like that?

A No.

Q Did you ever study it in school or anywhere?

A I think I read a couple of books. I never studied it in school.

Q Do you recall who gave you the books?

A No.

Q Did you buy the books?

A Yes.

Q Do you recall where you bought them?

A No.

Q Do you know if anybody else that you know read those same books?

A No.

Q Are you afraid of anybody now or anything? I mean here today?

A No.

Q Do you know what the term scientology means?

A I have heard it before. I don't know what it is.

Q Did you hear it from the psychiatrist?

A No.

Q Did you hear it while you were in Kings County Hospital?

A No.

Q You heard it before you were arrested; is that right?

A I guess so.

Q When you say you heard it, that means somebody spoke it to you; isn't that right?

A Yeah, I think I've heard it talked about in circles before. I don't remember where.

Q Could you tell me what your social life was like in 1976? What you did on a regular, routine day?

A I didn't do anything.

Q You had a job; didn't you?

A Yes.

Q At the Post Office?

A Yes.

Q You were living in Yonkers then; is that right?

A Yes.

Q That is when you lived with Mr. Cassara; is that right?

A Nothing.

Q Did you read?

A Yes.

Q Did you ever meet Fred Cowan during that period of time?

A No.

Q Did Mr. Cassara ever talk to you about Fred Cowan?

A I don't remember.

Q Did your psychiatrist ever ask you about Fred Cowan?

A Yes. I think so.

Q What did you tell him?

A I don't remember.

Q Herb Clarke, he spoke to you about it, Fred Cowan, didn't he?

A Yes, I think he did.

Q You told him you knew Fred Cowan, didn't you?

A Well, I knew him after he died.

A No. That was in New Rochelle.

Q You remember that?

A Yes.

Q What did you do at home in that place,
in New Rochelle?

A Nothing.

Q Did you read?

A Yes.

Q Did you ever meet Fred Cowan during that
period of time?

A No.

Q Did Mr. Cassara ever talk to you about
Fred Cowan?

A I don't remember.

Q Did your psychiatrist ever ask you about
Fred Cowan?

A Yes. I think so.

Q What did you tell him?

A I don't remember.

Q Herb Clarke, he spoke to you about it,
Fred Cowan; didn't he?

A Yes, I think he did.

Q You told him you knew Fred Cowan; didn't you?

A Well, I knew him after he died.

Q You mean you knew of him?

A Yes.

Q What did you tell Herb Clarke about Fred Cowan?

A I don't remember.

Q Did you recall having a kind of long conversation about him?

A No.

Q Did you enjoy getting the notes that you got from Herb Clarke? The notes he would throw into your cell?

A I don't know. I had no feelings about it.

Q But, you picked them up, didn't you?

A Yes.

Q And you read them?

A Yes.

Q And you responded to them?

A Yes.

Q Did you ever kid him along, like, did you ever make up stories in those notes or play games in any way?

A No.

Q What you put down in the notes is true as far as you know; is that right?

A Yes.

Q At one point he asked you about John Carr; didn't he, or Wheat Carr in those notes?

A I suppose.

Q Do you recall what your reaction was at that time?

A No.

Q Do you know if John Carr was ever in Houston?

A He might have been.

Q Do you recall when he came home from South Dakota?

A I understand he died in South Dakota.

Q How did you find that out?

A Somebody told me.

Q Do you know how he died?

A I believe he shot himself in the head.

Q Do you know why he did that?

A I might. I don't know for sure.

Q You would have an idea why he might have done it?

A You are smiling now.

A I don't know.

Q You don't know if you are smiling? You are

smiling.

A All right, I am smiling but I don't know why he shot himself in the head.

Q When is the last time you remember seeing John?

~~*~~ A I never saw him.

Q Can you tell me what he looked like?

A No.

Q Could you tell me how you happen to know he was in Houston?

A I didn't know he was in Houston.

Q You are smiling again. Does that mean you are trying to kid me?

A No.

Q Are you telling the truth now?

A Yes.

Q You used some Scottish phrases in these letters; do you know that?

A They said they were Scottish. I don't know whether they were Scottish or not.

Q Do you know if Yonkers has another name in Scottish?

A I don't know.

Q Can you tell me how you happened to use

smiling.

A All right, I am smiling but I don't know why he shot himself in the head.

Q When is the last time you remember seeing John?

~~X~~

A I never saw him.

Q Can you tell me what he looked like?

A No.

Q Could you tell me how you happen to know he was in Houston?

A I didn't know he was in Houston.

Q You are smiling again. Does that mean you are trying to kid me?

A No.

Q Are you telling the truth now?

A Yes.

Q You used some Scottish phrases in these letters; do you know that?

A They said they were Scottish. I don't know whether they were Scottish or not.

Q Do you know if Yonkers has another name in Scottish?

A I don't know.

Q Can you tell me how you happened to use

some of those Scottish phrases?

A I can't tell you.

Q Is that for the same reason? These other people might get hurt?

A I just don't want to talk about it.

Q Is there any chance these other people may be hurting people like you did?

A There is a possibility.

Q Do you feel any moral obligation to tell the authorities about that possibility?

A They are not going to do anything. They are absolutely powerless.

Q Why are they powerless now?

A They can't do it. I'd rather not talk about it.

Q Can you tell me why they are powerless?

A No.

Q Could you tell me what Sam Carr looks like?

A Yes. He wears glasses and has short gray hair. He is an old man.

Q How about Michael Carr?

A No.

Q You don't want to tell me what Michael Carr looks like?

A I don't know.

Q How about Miss Carr?

A I have seen her before.

Q Where?

A She has been in front of the house.

Q Could you see the Carrs' house from
our apartment in Yonkers?

A Yes.

Q You could see into their front yard; is
that right?

A No, their backyard.

Q It is their backyard?

A Yes.

Q Is there an aqueduct behind that house
in that area?

A Yes.

Q When you were living there, were people
killing the dogs and putting them on the aqueduct?

A Yes.

Q Did you know who was killing the dogs
then?

A I had an idea.

Q Did you pursue it at all?

A No.

Q Would it mean anything to you now if I told you they were still killing dogs in that area?

A I'm not surprised.

Q What kind of people do you think were doing it?

A I don't know.

Q But you have some idea; is that it?

A Yes.

Q What is the basis for your idea?

A I'd rather not say.

Q Would it be possible that the same people that are killing the dogs could also kill people?

A It is possible.

Q Would you help the authorities to stop that if it was going on?

A There is nothing I can do.

Q Why do you say that?

A It's over.

Q But the dogs are still being killed.

Did you own a yellow Napa hat?

A What is that?

Q Like a baseball cap that you see on fellows in auto parts stores and things like that.

A No.

Q When you were arrested, there were some parts of cars in the car; were you going to fix your car?

A No.

Q Who was going to help you fix it?

A Nobody.

Q You were not going to fix it and nobody was going to fix it; is that right?

A I didn't know how to do any major jobs on my car. I just knew how to change the oil, change the filters. That is all I knew.

Q But you had bought parts for the car; isn't that right?

A I don't remember.

Q Can you tell me why it was only German shepherds that seemed to get killed up in that neighborhood?

A I don't know.

Q Was Mr. Carr's dog a German shepherd?

A No.

Q Did Mr. Carr's dog ever talk to you?

A I'd rather not talk about that. It's irrelevant.

Q Did you ever send a letter or card to Mr. Cassara?

A Yes.

Q Whose address did you put on that?

A Sam Carr's.

Q Why did you do that?

A I don't know.

Q Could you put somebody else's address on

A What would be the point of that?

Q What was the point of putting Sam Carr's
name on it?

A I'd rather not say.

Q I am going to be talking to Sam Carr.
We already talked to his lawyer and he says he doesn't
know you at all; is that true?

A Yes.

Q All this business you told us earlier about
the Carrs and Michael and John, that was all lies;
is that it?

A If you think so.

Q I am asking you. I am asking what you

know.

A Yes. I suppose they were lies.

Q Can I ask you this; you have told me two
completely contradictory things this morning; did you realize

that?

Q Whose address did you put on that?

A Sam Carr's.

Q Why did you do that?

A I don't know.

Q Could you put somebody else's address on it?

A What would be the point of that?

Q What was the point of putting Sam Carr's address on it?

A I'd rather not say.

Q I am going to be talking to Sam Carr. I have already talked to his lawyer and he says he doesn't know you at all; is that true?

A Yes.

Q All this business you told us earlier about knowing the Carrs and Michael and John, that was all lies; wasn't it?

A If you think so.

Q I am asking you. I am asking what you think.

A Yes. I suppose they were lies.

Q Can I ask you this; you have told me two totally contradictory things this morning; did you realize that?

A No.

Q When you sent the letter to Mr. Cassara and put Sam Carr's name on it, you had a reason for doing that; didn't you?

A Yes.

Q When you wrote the hints in the letter, you had a reason for doing that, too; didn't you?

A Yes.

Q But, you don't want to tell us the reason; do you?

~~A~~ A Well, I wanted the police to come and find me.

Q When did you first get the idea you wanted to put the hints in the letter?

A I don't know.

Q Was there any reason why you didn't just give up if you wanted the police to find you?

A No.

Q How did you come to live at 35 Pine?

A It's a long story. I'm not going to get into it.

Q Did somebody tell you to come and live there or did you just sort of like the neighborhood?

A I didn't like the neighborhood. I hated

that neighborhood.

Q How did you afford to pay the rent and live there when you were making such little money in the Post Office?

A I managed somehow.

Q Did you ever steal money from people?

A I never stole any money.

Q Who is Wicked King Wicker?

A I'd rather not say.

Q Are you Wicked King Wicker?

A No.

Q Did you make that up or is it actually a person?

A I'd rather not say.

Q You said you hurt two dogs and you shot one; isn't that right?

A I shot three dogs. Killed two; wounded one.

Q Did you ever put a dog in a plastic bag?

A No.

Q Did you ever hear of kids finding dogs in plastic bags?

A Yes. I heard something about it.

Q You remember before you were arrested that there were a lot of dogs being killed in Westchester County?

A Yes. I think so.

Q Do you have any idea what that was all about?

A I have some idea. I'd rather not say.

Q For the same reason you have been giving all along? It would hurt people you know?

A Yes. I guess you could say that.

Q Are you lying to me when you make that statement?

A I don't know.

Q You said you hated 35 Pine; why didn't you move out of that locality?

A I don't know.

Q You paid a lot of rent and you hated it but you still lived there; is that right?

A Yes.

Q Was there some kind of an attraction to 35 Pine? Something that held you there?

A I'd say there was.

Q Is it something you can talk about?

A No.

Q Was the attraction other people?

A No.

Q Was the attraction in your mind?

A Probably.

Q Would it bother you if I asked you a couple of questions about demons?

A Yes.

Q Did you ever throw a Molotov cocktail at the Carrs' house?

A Yes.

Q How about Craig Glassman? Did you throw one at his house?

A Yes.

Q What made you pick those two particular people out?

A I had my reasons.

Q Had you had prior contact with them?

A Yes.

Q Was your first contact with Sam Carr friendly? Favorable?

A No.

Q Did you ever like Sam Carr?

A No.

Q Did you ever like his son, John Carr?

A No. I hated every one of them. I hated their guts.

Q The whole family?

A That's right.

Q What was the reason for that?

A I'd rather not talk about it.

Q How did you come to hate John Carr so much?

A I had my reasons.

Q What did you think of Jimmy Breslin?

A I don't know.

Q Why did you pick him to write to?

A I don't know.

Q Do you remember the letter you wrote to Jimmy Breslin, more or less?

A Some of it, yes.

Q Did you ever read in the paper the stories that Jimmy Breslin wrote about the letter you sent him?

A Yes.

Q In that letter, you referred to John Wheaties; do you remember that?

A Yes.

Q Who was John Wheaties?

A I'd rather not say.

Q Isn't it true that John Wheaties is John Wheat Carr?

A It is a strong possibility.

Q Did you have a code name for Michael Carr?

A I'd rather not say.

Q Herb Clarke asked you about John Wheat Carr; didn't he?

A Yes.

Q Did you give him an answer to that question?

A I guess so.

Q Can you tell me what that was?

A No.

Q Is that because you don't want to?

A That's right.

Q Are you telling me all of these things just to get the Carr family in trouble?

A No.

Q Are you telling me because they are true?

A I believe them to be.

Q Did the Carrs ever do anything to you to make you feel so bad about them?

A That's why I tried to kill them.

Q Parts of your letter refer to the black mass. Do you know what that is?

A I have heard of it before.

Q How long did you spend writing these

letters? The ones that you sent to Breslin and the other ones?

A A couple of hours.

Q Some are rather neat and very precise and accurate. Others are sloppy and messy. Can you account for that?

A No.

Q Do you remember Herb Clarke asking you questions about the way the letters were done?

A No.

Q Do you know what an Illustration Studio is?

A It is where you take pictures.

Q Were you ever in one?

A I believe the Carrs have one.

Q How did you know that?

A I just did.

Q They didn't have one in 1977?

A I don't know.

Q They didn't have one in 1976; did they?

A I don't know.

Q If I were to tell you they had one in 1975, could you truthfully say you would agree with me on that?

A I don't know.

Q Did you ever see any of the Carrs do any illustration work?

A Well, I know they used to take pictures. They had a studio.

Q Do you know where that studio was?

A I believe it was in their house.

Q How long was it in their house?

A I don't know.

Q When was the first time you remember anything about that Illustration Studio?

A I can't say.

Q You remember the day you were arrested was sometime in August, 1977; wasn't it?

A Right.

Q Do you remember the studio being there in July of 1977?

A I don't know.

Q In June of 1977?

A I believe it was there. I am not sure. I don't think so.

Q How about May of 1977? Was the studio there then?

A I don't know.

Q When can you remember the studio being there?

A (No response.)

Q Did they have a sign in front of their house, Carr Illustration Studio?

A No.

Q Was the Illustration Studio listed in the telephone book?

A I don't know.

Q Did you ever look up the telephone number for the Carr Illustration Studio?

A I looked up their phone number.

Q You couldn't find it; is that right?

A I don't know.

Q How did you discover that they had an Illustration Studio?

A I'd rather not say.

Q Were you ever in the studio?

A No.

Q Did you ever see any work the studio did?

A I'd rather not say. I'd rather not talk about this.

Q Is that for the same reason you gave before?

A I just don't want to talk about it.

Q Would you like to take a little break now?

A I'd just like this to be through. I'd like you to finish up.

Q How many days would you say you saw Herb Clarke?

A I can't say for sure.

Q Did Herb Clarke ever ask you what church the Carra went to?

A No.

Q Did Herb Clarke ever ask you the meaning of Yonkers in Dutch?

A No.

Q Do you know the meaning of Yonkers in Dutch?

A No.

Q Did you ever use that term?

A No.

Q Do you know that there is a term for Yonkers in Dutch?

A (No response.)

Q You do know, don't you?

A (No response.)

Q You are smiling now, aren't you?

A I can't say I know for sure.

Q What does b-r-a-t mean to you?

A It means brat.

Q That also has a meaning in Dutch;
doesn't it?

A I suppose.

Q Would you tell us what that means?

A I'd rather not discuss it.

Q If I told you it meant Yonkers, you
wouldn't deny that, would you?

A I wouldn't deny it.

Q You wouldn't deny that you know it either;
would you?

A I wouldn't deny it.

Q That was another hint, wasn't it?

A I suppose.

Q Did you know that Sam Carr had a heart
condition?

A Yes.

Q Did you know that he drinks?

A I didn't know that he drinks.

Q Did you know that he had an attic in his
house?

A I have heard something about it. I don't
remember where.

Q Do you know the lady at the Holy Rosary Church?

A No.

Q Did you ever use that term?

A No.

Q You used Our Lady's House as a term; didn't you?

A Oh, yeah.

Q What did that refer to?

A Our Lady.

Q What do you mean by Our Lady?

A That was the church Donna Lauria had her last rites given in. Our Lady of Assumption church, I believe it was on Robert Avenue.

Q Did you go and see that?

A I'd rather not say.

Q Did you read about that?

A I don't know.

Q Did you ever use the word "Chubby"?

A Yes.

Q Who did you refer to?

A He.

Q Does Z mean anything in particular to you?

A No.

Q Did Herb Clarke ever ask you anything about Yahoo?

A I don't remember.

Q Does Yahoo mean anything to you?

A I'd rather not say.

Q There has been some talk of a yellow car being responsible or a person in a yellow car being responsible for some of the trouble that is being attributed to you. Do you know anything about that?

A Yes. That was my car.

Q You had a yellow car?

A Yes.

Q Did you have a yellow Volkswagen?

A No.

Q What color was the car that you had the day you got arrested?

A Yellow.

Q Did any of your friends ever ride in that car with you?

A Some people rode in it.

~~*~~ Q Who was with you the night that the Moskowitz girl was shot?

A I was by myself.

Q Did you go through the park?

A Yes.

Q When you were reading about yourself, there were all kinds of various descriptions being given. Some with long hair, some with short hair. Did you ever wear a wig?

A No.

Q Can you account for the fact that the description speaks of long haired people?

A No.

Q Did you do all the crimes that people say you did?

A Yes.

Q Did you do them by yourself?

A Yes.

Q Nobody ever helped you?

A No.

Q Nobody ever told you to do anything?

A No.

Q It was all your own idea?

A Right.

Q The Carrs had nothing to do with it?

A Well, not really. They were involved in a way but I'd rather not say.

Q Herb Clarke asked you about the Carrs and

people that were involved; is that right?

A Yes.

Q You gave him answers; didn't you?

A I guess so.

Q Do you remember if you gave him answers?

A I don't remember what the answers were.

Q Did you make them up?

A If you want to say that, yes.

Q Were they lies, the things you said to
Herb Clarke?

A I guess so.

Q Did you intentionally lie to him?

A I suppose.

Q Can you tell me why you intentionally
lied?

A No.

Q At one point in time, there was a story
that appeared in the Post by Stephen Dunleavy. Does
that name mean anything to you?

A I've heard of him.

Q Who is he?

A He is a reporter for the Post.

Q Did he write you a letter?

A Yes.

Q Did you get that letter?

A He wrote a couple of letters. I can't say I got every one he sent me.

Q Did Herb Clarke give you the letters?

A No.

Q Who gave you the letters?

A They came by mail.

Q The postman didn't give them to you; who actually handed them to you?

A It has to be one of the captains.

Q Do you remember if Herb Clarke ever talked to you about the letters?

A No.

Q Did he throw a note to you about the letters?

A He never mentioned Steve Dunleavy.

Q Never at all?

A No.

Q Did he ever mention anything to you about the Post?

A No.

Q The letters that were sent to you, did you respond to them? Did you send a letter back to the Post?

A No -- oh, maybe I did. I think I sent one letter to Steve Dunleavy.

Q How did you do that?

A I just wrote a letter and sent it to him.

Q Did you put a stamp on it?

A No.

Q Did somebody put a stamp on it for you, do you know?

A Yes.

Q Do you know who that was?

A Somebody at the hospital.

Q Did you ever hand that letter to Herb Clarke?

A No.

Q Did you ever give any notes to Herb Clarke?

A Yes.

Q What did you give him?

A Notes that he -- from questions he asked me.

Q Did you have a nickname for him?

A I don't know.

Q Did you ever send a letter to the Middle of Silence Gallery?

A Yes.

1
2 Q Did parts of that letter ever end up in
3 the Post?

4 A I think so.

5 Q Do you think somebody stole that letter
6 that you sent to the Middle of Silence Gallery?

7 A I really don't remember.

8 Q Do you want to speak to any of those
9 people now, today?

10 A No.

11 Q Do you want to speak to anybody today
12 at all?

13 A No.

14 Q Would you want to be a witness in this
15 particular case?

16 A There is nothing I can say -- what am I
17 doing now, right?

18 Q How did Herb Clarke come to give you the
19 first note, the first time he gave it to you?

20 A I don't remember.

21 Q How did you come to answer him?

22 A I don't know. I just did.

23 Q Did you do it out of boredom?

24 A Probably.

25 Q In one of the notes you indicated that you

were forced to write to Jimmy Breslin; is that true?

A No.

Q In some of Mr. Clarke's notes he asked you about Craig Glassman; is that so?

A Yes.

Q And you gave him some answers; isn't that so?

A Yes.

Q You said that Craig Glassman was involved with the Carra; is that true?

A Yes.

Q Was that in your mind or was that a fact?

A I believe that was a fact.

Q You are saying you believe it; do you know it was a fact?

A I am not sure any more.

Q Are you sure if Herb Clarke spoke to you about Mr. Dunleavy?

A No.

Q What did you think of Mr. Dunleavy? Did you have any thoughts about him at all?

A No.

Q Does the word or words witches coven mean anything to you?

A I have heard it before.

Q You have heard it before?

A Yes.

Q Did you read about it, too?

A I suppose.

Q Did Herb Clarke ask you questions about that?

A Probably did. I can't remember for sure.

Q Were some of those people, Glassman, the Carrs, involved in the witches coven?

A I believe they were, yes.

Q Were you in that same coven?

A Yes.

Q Did you meet regularly?

A Well, I can't really say. I don't want to say.

Q Was Mr. Cowan from New Rochelle in that?

A I don't want to talk about it.

Q Was Mr. Cassara in that?

A I don't want to talk about it.

Q Do you think Mr. Mitteager should go on looking for other people involved in this case and other cases or is he wasting his time?

A I'd say he is wasting his time.

Q Would you want him to catch the other people that are involved?

A He can't.

Q Why?

A Many of them are spirits.

Q Can you really tell me if John Carr is a spirit or a person?

A Well, let's just say he went into the next world.

Q When you knew him, was he a spirit or a person?

A Both.

Q Michael Carr, was he a spirit or person when you knew him?

A Yes.

Q Both?

A Yes.

Q He was a real, live, flesh and blood person?

A Yes.

Q Was Fred Cowan a real person when you knew him?

A Yes.

Q Was Mr. Cassara a real person when you

knew him?

A Yes.

Q How did he get to be a general?

A It is complicated and I'd rather not go into it.

Q We will take a break now if it is all right with you.

I want to thank you. You are being very helpful to me. I realize it is uncomfortable for you.

A I've got nothing better to do.

Q Do you want to eat lunch now?

A (No response.)

Q I would like you to think during lunch about the Dunleavy situation and the Post and all that, if you could. Were all these answers truthful?

A What answers?

Q The fact that Mr. Clarke didn't speak to you about Mr. Dunleavy?

A I said I don't remember if he spoke to me about it.

Q He might have and you just don't remember?

A Maybe.

Q Did you know that Mr. Dunleavy once spoke

to Mr. Carr?

A No.

Q Did you ever read about it or anything like that?

A No.

Q Did your lawyers ever tell you anything about it?

A No.

Q When did you see your picture in the Post for the first time?

A Just after I got arrested, a Mr. Pelts brought in some newspapers.

Q Mr. Pelts was your first lawyer; is that right?

A Right.

Q He was the guy that just walked up to you in court and said he was going to be your lawyer?

A Yes.

Q You didn't retain him or anything like that?

A I didn't know what to do. I guess I just believed him.

Q He talked to you for a long time; didn't he?

A Yes.

Q He had a tape recorder going?

A Yes.

Q He tried to take advantage of you; wouldn't you say?

A I guess so.

Q Do you remember any of the things you told him?

A No. It was a while back.

Q Can you tell me, more or less, when was the last time that Herb Clarke spoke to you?

A Just before he disappeared from work.

Q About when was that?

A I can't say.

Q Was it December? November?

A I have no idea.

Q Was it after your picture was in the Post?

A Yes.

Q Did you ever give him, particularly him, letters to mail?

A Yes.

Q Did he ever tell you that he mailed them?

A Yes.

Q Did you seal up those letters when you gave

then to him?

A Yes.

Q They were closed, as far as you were concerned, is that right?

A Yes.

Q Did you ever give him permission to open those letters?

A I don't believe I did.

Q You don't remember, is that what you are saying?

A Yes.

Q Did you ever give anybody permission to open your mail?

A No.

Q Would you normally give people permission to open your mail?

A No.

Q Would he be such an exception that you might have given it to him?

A No. I don't think so. I don't believe I gave him permission to open my mail.

He said he was going to mail the letters. That's the last I saw of them. He took the letters.

Q When you had this correspondence with

1
2 Mr. Dunleavy, do you remember what was in that letter?

3 A I think I only sent him one letter. I
4 don't remember.

5 Q He sent you a letter though; is that
6 right?

7 A Yes.

8 Q Do you remember what was in that letter?

9 A No.

10 Q Do you remember what your response was
11 to the letter?

12 A No.

13 Q Do you recall if anybody spoke to you
14 about receiving that letter?

15 A No.

16 Q Did you ever see the story in the Post
17 about that particular letter?

18 A I think I might have. I don't remember.

19 Q Do you think that that story that was
20 in the Post and the quotes that were in there, was that
21 the letter from the Middle of Silence Gallery?

22 A Yes, I think so.

23 Q You never sent a copy of that letter
24 to the Post; did you?

25 A Not to my knowledge.

1
2 Q Do you know now that Mr. Clarke lost his
3 job because of what went on there?

4 A Yes. I heard about that.

5 Q Did some of the correction guards tell
6 you that?

7 A Yes. They were all talking about it
8 for quite some time.

9 Q Did they talk to you about it?

10 A No.

11 Q You just overheard them talking; is that
12 right?

13 A Yes. They stayed in front of my cell
14 and they would talk a lot.

15 Q And you would hear them?

16 A And I would hear them.

17 Q Did you consider Herb Clarke a friendly
18 individual when he was passing those notes to you?

19 A Yes.

20 Q Did he stand out from the other guards
21 that were guarding you at the time?

22 A Well, he was very friendly.

23 Q Was he more friendly than the other
24 fellows?

25 A Yes.

1
2 Q When did he first start being that
3 friendly?

4 A Just after I got arrested.

5 MR. GILSON: Do you want to take a break?

6 MR. DALY: In about ten minutes, they
7 will be eating lunch. I don't want him to
8 miss that.

9 Q Do you recall what happened to the letter
10 that Mr. Dunleavy sent you?

11 A No.

12 Q What normally happened to the mail you
13 got during that period of time?

14 A After I read it, I threw it out.

15 Q Your responses, did you keep copies of
16 those?

17 A No, I don't think so.

18 Q How many letters would you say you got
19 during that period of time?

20 A 700.

21 Q Did you read them all?

22 A Yes.

23 Q Carefully?

24 A Some were not worth reading.

25 Q How did you happen to know that you got a

letter from Mr. Dunleavy? How did that come about?

A Once a week they delivered the mail to me. It was usually a stack of letters. Sometimes, you know, a couple of dozen letters and there would be a letter from the New York Post and it would have Stephen Dunleavy's name on it.

Q Did you know to expect this letter?

A No.

Q It just came out of the blue as a complete surprise?

A Yes. He wrote me several letters.

Q How many did he write altogether?

A Three, four.

Q How many did you respond to?

A One, I think.

Q Why did you respond to just that one?

A I don't know.

Q Did somebody suggest to you that that would be a good letter to respond to?

A I don't know.

Q Did the other letters request a response, in some form?

A I don't remember.

Q The dialogue of the letters, the

1
2 information contained therein, were they in question form?

3 Was he putting questions to you or trying to get advice
4 from you? What was the general flavor or tone of the
5 letters?

6 A I don't remember.

7 Q Do you remember what your response was
8 in the one letter you did respond to?

9 A No.

10 Q Did you ever hear of a fellow out in
11 Ohio who shot ten people?

12 A No.

13 Q I am going to show you this piece of
14 paper and ask you to look at that sign. Does that mean
15 anything to you?

16 A No.

17 Q Did you ever see anything like that before
18 in your life?

19 A No.

20 Q Does it remind you of the signature that
21 appeared at the end of your letters?

22 A No.

23 Q Was there any significance to the
24 particular days that the crimes you committed were
25 committed on?

A No.

Q Would it refresh your recollection if I told you that August 1st was a black sabbath. Would that mean anything to you?

A No.

Q Didn't Herbert Clarke ask you if certain days were black days or black sabbath days?

A I don't remember.

~~*~~ Q How did you know that Sam Carr had a heart condition?

A I don't know.

Q Do you remember what your response was when Herb Clarke asked you that question?

A No.

Q When you used the term knock on coffins, that was a reference to Pine Street; wasn't it? In your letter, it was a hint?

A It could have been.

Q Did Herb Clarke ask you about that?

A I don't think so.

Q Did you use word substitution in your hints?

A I guess so.

Q Where did you develop or discover the

technique for doing that?

A I don't know.

Q In some of the stories in the papers, they made reference to certain markings, the way the letter was written, as being the type of symbol used in an illustration or by an illustrator. Do you remember reading about that?

A No.

Q Do you think that was true?

A No.

Q Did you just pick that up or do it at random?

A Yes.

Q Does the name William Burke mean anything to you?

A No.

Q Were you living or did you go around 35 Pine Street in 1976?

A Yes.

Q Can you remember why you went there?

A I guess to look for an apartment.

Q That is 1976 now I am asking you.

A I lost track of the time.

Q Did you go around there in 1975?

A No.

Q When did you first find the Carr
Illustration Studio in 1976?

A I don't remember.

~~Q~~ Q Did the Carrs ever do anything terrible
to you?

A Quite a bit. That's why I tried to kill
them.

Q Can you account for the fact that all
the eyewitnesses said that the person who was doing the
shooting had long hair?

A I never heard that before.

Q One of the notes that Mr. Clarke gave
you asked if somebody was with you in Brooklyn one night
and you wouldn't answer that. Do you remember that?

A No.

Q How many trips did you make to Houston?

A One.

Q Did Herb Clarke ask you about the trip to
Houston?

A I don't think so.

Q How did you go to Houston?

A I don't remember the exact route. I went
by car.

Q You drove?

A Yes.

Q Do you recall how long it took you?

~~X~~ A Well, I drove all day and night without stopping. I think it took about a day and a half.

Q Do you remember where you stayed when you got there?

A At my friend's house.

Q Do you recall his name?

A Yes.

Q What was his name?

A Dan Parker.

Q How long had you known Dan Parker?

A Since the army days. Since 1971.

Q Did the police ask you about Dan Parker?

A No.

Q Did you tell them about Dan Parker?

A No.

Q Do you remember in what part of Houston Dan Parker lived?

A No.

Q Did you ever tell anybody about Dan Parker before?

A No.

Q How long did you stay in Houston?

A Oh, about three or four days.

Q Did you buy a gun there?

A Yes.

Q What kind of gun?

A 44 caliber bulldog revolver.

Q Where did you buy that gun?

A At a gun store.

Q Did you see any girl during that period
of time?

A Yes. Dan's girlfriend.

Q What was her name?

A I don't remember.

Q What did she look like?

A She had long blonde hair. She was very
pretty.

Q Could you tell us why you bought the gun
then?

A I'd rather not talk about it.

Q Did you go to Houston specifically to
buy a gun?

A No.

Q Were you going there to visit Dan Parker?

A Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Did Dan Parker know John Carr?

A No.

Q Did he know Michael Carr?

A No.

Q Did he know Sam Carr?

A No.

Q Did he know the wife of John Carr?

A No.

Q How did you know that John Carr's wife lived in Houston?

A I just took a guess.

Q You mean you lied to me when you said you knew she lived in Houston?

A Yeah.

Q Are you lying to me now?

A No.

Q How did you come back from Houston?

A By car.

Q Who was with you?

A I was by myself.

Q How long did it take?

A A day and a half.

Q You drove straight back?

A Yes.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A No.

Q Do you recall how much the trip cost you?

A No.

Q Do you recall how much the gun cost you?

A \$125.

Q Did you buy it in your own name?

A No.

Q You made up a name?

A No.

Q Whose name did you buy the gun in?

A Dan Parker bought the gun for me. I paid for it, but he didn't know what it was going to be used for. He had no idea.

Q You had already made up your mind what the gun was going to be used for when you went to Houston to buy it?

A Well, I knew what I had to do with it.

Q You had other guns; didn't you?

A Yes.

Q Where did you buy those guns?

A Around New York City.

Q Did you have a machine gun?

A No. It wasn't a machine gun.

Q What kind of gun was it?

A It was a 45 caliber semi automatic rifle.

Q Where did you get that gun?

A In Brooklyn. Bay Ridge, Brooklyn.

Q Where in Bay Ridge, Brooklyn?

A I don't remember the store.

Q You bought it in a store?

A Oh, it was Empire Arms.

Q Did you just walk in and buy it?

A I had a permit for it, yes.

Q You applied to the Police Department to
get a permit?

A Yes.

Q And they gave it to you?

A Yes.

Q On what basis did they give you the gun
permit?

A I don't know. I had a clean record.

Q Did you say you carried large amounts of
money or anything like that?

A They don't ask that for firearms --
for a long firearm.

Q That was an automatic weapon; wasn't it?

A No.

Q What kind of a weapon was the 45 caliber?
Repeating?

A Yes.

Q Pump action or lever action?

A None of those.

Q What?

A It was just a rifle.

Q How did it automatic?

A You just pulled the trigger.

Q Was it self activating?

A You had to put the clip in and a -- there

was a lever you pulled back to chamber the rounds.

Q That was bolt action, slide action?

A Yes.

Q You could set it in such a way that it

would discharge all the bullets in the clip?

A Yes.

Q Did you ever shoot that gun?

A Yes.

Q Where?

A Sam Carr's house. In the back of it.

Q How many times?

A Four times. I fired four shots.

Q In the backyard?

1

2

A Yes.

3

Q Or into the backyard?

4

A Into the backyard.

5

Q From where?

6

A In the grass behind the house.

7

Q Is that up by the aqueduct?

8

A Yes.

9

Q Is that up where the dead dogs were found?

10

A Yes.

11

Q Did you hit Sam Carr's dog?

12

A Yes.

13

Q Did you hit him with this particular rifle?

14

A Yes.

15

Q That is the 45 that is in the dog now?

16

A Yes.

17

Q When did you decide to do that?

18

A I don't remember.

19

Q Did Herb Clarke ask you if you ever

20

decided to shoot Sam Carr's dog?

21

A I don't think so.

22

Q Mr. Berkowitz, I want to thank you very

23

much. Maybe we can resume later, if you are feeling better.

24

It is helpful to us, the questions you

25

are answering, though it may not seem that way.

Berkovitz

93

Thank you very much.

(Whereupon, at 12:10 P.M. a recess was taken for lunch.)

-000-

CONTINUED EXAMINATION AT 1:30 P.M.

BY MR. GILROY:

Q Mr. Berkovitz, when you spoke to the psychiatrist about the Moskowitz matter, you used the term we. You used it on a number of occasions.

Can you tell me why you used that term?

A Well, I have decided I am not going to talk any more. I don't wish to talk any more. I am not going to answer any more questions.

Q Do you know that by doing that you are prejudicing my client?

A I am sorry. I am not going to answer any more questions.

Q Is there a reason you talked this morning and not this afternoon?

A I'd rather not say.

Q Would you put me in a position of having to take a formal court deposition?

A I don't know what that means.

Q It means we have to do this all over again.

A I'm sorry. I don't want to answer any more questions.

Q Can you give me a reason for that?

A I believe you have some ulterior motives in this.

Q I have a very ulterior motive. I represent my client.

I will be perfectly frank. I will tell you what the reason is. Do you want to know the reason why I've asked you all these questions?

A Yes.

Q My client was indicted because he had been involved with Herbert Clarke and Clarke was asking information of you. The reason he was asking that information was because he believed you were not the only person involved in this. From the answers you have given me this morning, it seems that there were other people involved in this case besides you.

If you are going to stop us at this point, I am going to come away with the impression he is correct and the impression I got this morning is correct that there are other people involved in this case.

A I can't answer any more questions.

Q Are you stopping and deliberately stopping knowing that we are going to leave here with the impression that you are not the sole person responsible for these homicides?

A I can't help it. I can't answer any more questions.

Q Is there a medical reason for you not answering?

A No.

Q Is there a physical reason for you not answering?

A No.

Q Is the reason that we have touched on such a sensitive area that you realize other people will be implicated in this?

A No.

Q You can offer no reason why you don't want to answer?

A That's correct.

Q I have also gotten the impression that the Carrs were involved in this with you. That Michael Carr and John Carr somehow used you and suggested to you for some unknown reason to carry out these crimes.

1
2 Is that the impression you want me to
3 leave here with by not answering any more questions?

4 A No. That is not the impression.

5 Q Do you want to elaborate on that?

6 A No.

7 Q Did you make a telephone call to the
8 police the night you were at the Elephas Disco or in
9 that area to take away the decoy that was there? Were
10 you the person that made that telephone call?

11 A I was not.

12 Q Did somebody else make that call?

13 A I don't know.

14 I am not going to answer any more questions.

15 Q Were you wearing a jacket the night of
16 the Moskowitz matter in Brooklyn?

17 A I am not answering any more questions.

18 MR. DALY: I think that does have to be
19 respected. David has an attorney. He probably
20 is acting on advice.

21 MR. GILROY: Let's ask him that.

22 Q Did you take any medication between this
23 morning and this afternoon?

24 A No.

25 Q Did anybody talk to you or say anything to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

you?

A I have spoken to some people.

Q Was it as a result of the conversations you had with people that you are now expressing a desire not to confer any more?

A Yes.

Q Would you like to identify those people?

A No.

Q Did you talk to your psychiatrist between this morning and this afternoon?

A I don't wish to talk about it.

Q If a court ordered you to answer these questions, would you do that?

A No.

Q Do you know what a lie is?

A Yes.

Q Did you confer with your attorneys between the session we had this morning and this afternoon?

A No.

Q Do you feel your legal rights in any way have been violated by the questioning we had this morning?

A No.

Q Do you feel any personal rights have been violated in any way?

A I don't know.

Q If I were to tell you I would ask you just questions for around another ten minutes, that I am very concerned about the Carrs and not wanting to hurt them in any way and not wanting them to be the victims of any kind of malicious newspaper stories or suggestibility or anything like that, could you truthfully tell me they were not involved with you in these cases?

A I don't want to talk about it.

Q Is there anything you do want to talk about?

A No.

Q Did you assume this attitude with your psychiatrist?

A I don't understand.

Q Did you refuse to discuss this matter with your psychiatrist?

A No.

Q You are just refusing to discuss it with me; is that it?

A Yes.

Q Is that because I am an attorney representing another client?

A No.

Q Can you give me a reason why you don't
nt to discuss it with me?

A Some people I have spoken with gave me
e idea that you may have some sinister motives to this.

Q Such as?

A Well, I am not sure.

Q You can express them.

A Well, I'd rather not say.

Q Somebody put an idea in your head that
s had a sinister motive?

A Yes, and that is becoming apparent to myself,
oo.

Q What could that sinister motive be?

A Perhaps you are trying to write a book
or make a movie or something.

Q Do you know that this interview was court
rdared?

A Yes.

Q I think I have told you the background of
t. Do you remember what I've told you?

A I guess so.

Q Could you repeat that on the record.

A You have a client that -- that was involved
something. I don't know.

Q I will repeat it again for you.

My client thought that there were other people involved in the situation with you and he was pursuing that area of investigation. By stopping this, I think you are giving me the impression that he was right.

A Well, he was wrong.

Q You are completely alone in this?

A Yes.

Q Nobody else participated in this in any way?

A That is right.

Q The Carrs had nothing to do with what you did?

A That's right.

Q The fact that you knew them and had contact with them over a long period of time has no relevancy at all to this case?

A That's right.

Q When you said you knew they had an Illustration Studio earlier, that was a lie?

A I guess so.

Q When you said you knew Fred Cowan, that was a lie?

A Yes.

8 Q When you said that Cassara was the general,
9 that was a lie?

10 A Yes.

11 Q When you told your psychiatrist those
12 things, you were lying to your psychiatrist?

13 A If you want to believe that, yes.

14 Q I am asking you, sir. You are the only
15 one that knows these answers.

16 A And it is going to stay that way.

17 Q You want to keep it that way?

18 A Yes.

19 Q You want nobody to find out what really
20 happened to you?

21 A No.

22 Q Do you know where you are now, this
23 afternoon?

24 A Yes.

25 Q Where?

A Central New York Psychiatric Facility.

Q Do you know why you are here?

A No.

Q You have no idea of why you are here?

A A vague idea. I am not sure.

Q Can you tell us that?

A No. I'd rather not.

Q Has Mr. Dunleavy sent you any letters while you have been here?

A No.

Q You think somebody is going to write a book about you?

A They already have.

Q Did you read that book?

A No.

Q Is it because of the fear of somebody writing a book about you that you don't want to tell me the whole truth?

A I don't want any books written about me.

Q Is it your fear that the whole truth won't come out if a book is written about you, you will be exploited in some way?

A It doesn't really matter.

Q Then why do you refuse to answer these questions if it doesn't matter?

A I don't know.

Q Is it an intentional act of meanness to deprive my client of a fair shot at trial?

A I told you before, I have nothing against your client and I hope he doesn't have to go to jail.

Q When you were talking to Mr. Clarke, did you know that there was somebody else involved besides just Mr. Clarke?

A He said there were some writers. A former policeman or something like that.

Q Did he mention more than one person?

A Yes, I think there were two. I don't remember their names.

Q Can you tell me when, approximately what time he said that, in the period from August on?

A No.

Q Did he ever do any favors for you or help you in any way because you answered some of his questions?

A No. There was nothing for him to do.

Q Was there any reason why you just chose to answer his questions?

A No.

Q Are there times when you feel you can cooperate and talk to people and times when you feel that it is just too much for you?

A Yes.

Q Are there times when you remember better and times when you can't remember anything at all?

A No. I remember everything.

Q You remember everything?

A Well, you know, about certain things.

Q Have you ever blacked out or anything like that?

A No.

Q Have you ever had amnesia or anything like that?

A No.

Q Have you ever used any type of drugs at all?

A Oh, a long time ago when I was in the army.

Q Was that LSD?

A I'd rather not say.

Q Did you know that John Carr used LSD?

A No, I didn't know.

Q Do you know that he had been in Korea?

A No.

Q Did any other correction guards ever speak to you about the incidents in such a way as Clarke did?

A No.

Q Did Clarke ever tell you he was trying to write a book or anything of that nature?

A No.

1
2 Q Did he ever give you any reason why he
3 was asking you the questions he was asking you?

4 A He said he was trying to help me.

5 Q Help you in what way?

6 A I am not sure.

7 Q Did he tell you in what way he was trying
8 to help you?

9 A Yes, but I'd rather not talk about it.

10 Q Do you think he was lying to you and using
11 you?

12 A Yes.

13 Q Do you think that has happened to you
14 often in your life and that is why you react sometimes
15 the way you do? Because people lie to you and use you?

16 A Maybe.

17 Q Do you think the Post really used you
18 for their own aims in the situation?

19 A Yes, I believe they did.

20 Q Do you know now that Herbert Clarke
21 received money from the Post for talking to you?

22 A I heard that he received money, I didn't
23 know where it came from.

24 Q Were you annoyed and upset when you saw
25 those pictures of yourself in the Post?

A Yes, I guess so.

Q Do you have a committee appointed to represent you in matters, if you know?

A No.

Q Do you know if the court has appointed somebody to handle your affairs?

A Oh, yes.

Q Do you know who that person is?

A Doris Johnson.

Q Do you know where she is?

A She is in Brooklyn.

Q She is a Brooklyn attorney?

A Yes.

Q Is that because you are incompetent?

A No. I am not incompetent.

Q But that is why she was appointed to handle your affairs?

A I don't know.

Q Knowing what you now know about everything that went on and knowing that Mr. Mittleager has been indicated, is it your opinion that he acted very foolishly in pursuing the course of action he was pursuing, specifically trying to find out if other people were involved?

A Yes.

Q In other words, he should have known that you were the only one?

A I guess so.

Q All of the coincidences and the contacts you have had with the Carrs over the years, that was just coincidence? Is that fair to say?

A Yes.

Q Do you now recognize that there are a lot of peculiar coincidences in connection with all these cases that make it appear that somebody else was involved?

A I guess so.

Q What do you really mean by you guess so?

A I don't know.

Q Do you feel any hostility towards the fact that we had to interview you today in connection with this case?

A No.

Q There is no reason for you to feel that we are out to take advantage of you; is there?

A I believe there is.

Q Because of that feeling, have you deliberately not answered certain questions?

A Yes.

Q You recognize that the questions you have

y not answered are very important questions;

I can't help that.

Q Do you have conversations with your
trist up here?

A Very little.

Q Did anybody ever tell you that sometimes
have delusions?

A They call them that. I don't believe
it as such.

Q You are convinced they are real; is that
right?

A Yes.

Q Is there any reason why you are convinced
they are real?

A I don't suffer from delusions or
hallucinations in any way.

Q Did you ever suffer from delusions or
hallucinations?

A No.

Q It has been said, or it has been
attributed that you said, that dogs told you to kill
people and that is a delusion. Did anybody ever ask
you questions like that?

0
21
22
23
24
25

A I'd rather not talk about that. That doesn't seem to relate to your client.

Q You can recognize that certain questions have specifically related to my client; can't you?

A Yes.

Q You answer those questions; is that right?

A Yes.

Q You don't object to doing that?

It is only when I ask you questions about your involvement in these crimes or the possibility that somebody else was involved that you don't want to answer; is that right?

A I don't know.

Q Would you say you are evasive about answering those questions if you had to use a term?

A Yes.

Q Do you know what the word evasive means?

A Trying to avoid.

Q Intentionally trying to avoid?

A Yes.

Q You would recognize that if you could answer these questions truthfully, you would dispel forever the possibility that somebody else was involved but you deliberately don't want to do that; is that true?

Q But at the same time you absolutely refuse to answer some of these other questions that would indicate that if you would answer them truthfully --

I will give you an example. For example, the question about whether or not somebody called the Lephas Disco and detoured the cops away that night, whether you did that or somebody else did that. If you can answer that question for me, we would know.

That would be one example. Can you answer that question?

A It wasn't me.

Q You didn't call them at all?

A No.

Q Did you go into that disco?

A No.

Q Were you there in that general area that night?

A Yes.

Q Did you see the cops that night?

A Yes.

Q Did you see the cops leave?

A No.

1
2 A Nobody else was involved. You can take
3 my word for it.

4 Q But at the same time you absolutely
5 refuse to answer some of these other questions that would
6 indicate that if you would answer them truthfully --

7 I will give you an example. For example,
8 the question about whether or not somebody called the
9 Elephas Disco and detoured the cops away that night, whether
10 you did that or somebody else did that. If you can answer
11 that question for me, we would know.

12 That would be one example. Can you answer
13 that question?

14 A It wasn't me.

15 Q You didn't call them at all?

16 A No.

17 Q Did you go into that disco?

18 A No.

19 Q Were you there in that general area that
20 night?

21 A Yes.

22 Q Did you see the cops that night?

23 A Yes.

24 Q Did you see the cops leave?

25 A No.

Q Did you know that there was a stakeout there that night when you saw the cops?

A I had an idea.

Q Could it have been possible for somebody else to have made the call detouring the cops away without you really knowing that they were going to make the call knowing that you were going to do something that night?

A No.

Q Did the police, any police officer at any time or any official, ever ask you about John Carr?

A No.

Q Did you know that they investigated the fact that he may have been involved?

A I have heard rumors, that is all.

Q You have told us you know John Carr and John Carr, in fact, fitted the description of some of the people before you were arrested; isn't that so?

A Yes, it appears that way.

Q In other words, he was a man -- he was a thin man with long, blonde, straggly hair.

A Nobody looked like that in any of the composites.

Q But that was some of the verbal descriptions that were given?

A I don't know about that. It doesn't really matter, he is dead now, isn't he?

Q Would you describe him as a good friend of yours?

A No.

Q A casual friend?

A No.

Q Would you describe him as a friend?

A No.

Q Would you describe him as an enemy?

A Yes.

Q How did he become your enemy?

A It is a long story and I don't want to go into it.

Q But there is no doubt in your mind that as you speak today for this record that the John Wheat Carr that was referred to in letters and what have you, was an enemy of yours?

A Yes.

Q And that Michael Carr was an enemy of yours, too?

A Yes.

Q And that relationship developed out of contact in that Illustration Studio?

3 A No.

4 Q Did it develop as a relationship that
5 occurred in the army?

6 A No.

7 Q As a result of your living together in
8 Yonkers?

9 A No.

10 Q Do you know how it developed that you came
11 to hate, dislike, John and Michael Carr so much?

12 A No.

13 Q Did you dislike them because you disliked
14 their father?

15 A Yes.

16 Q It is my understanding that John Carr was
17 not in New York; he was in South Dakota; for a long time.
18 How did you come to hate a man that was in South Dakota?

19 A It is a long story. I don't want to go
20 into it.

21 Q Were you ever in South Dakota?

22 A No.

23 Q Or North Dakota?

24 A No.

25 Q Did you ever meet John Carr in Houston?

A No.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Did you grow up with him as a young boy?

A No.

Q Did you know him in high school?

A No.

Q Did you meet him at a job?

A No.

Q Did you meet him at a party?

A No.

Q Did you meet him at a gathering of people?

A I don't want to answer any more questions about that.

Q Does it hurt you to answer those questions?

A That is nobody's business.

Q Again, I want to emphasize that it is the business of my client because that is what he thought he was doing. He had amassed a lot of evidence that caused him to follow this chain of events out and, as a result of that, he got indicted.

So, if you are telling me now that there is a relationship between you and he then should have worked harder to find it.

A No. He should never have gotten involved in it in the first place.

1 Q He had no right to get involved in it?

2 A It wasn't his business.

3 Q Everything should have been left to the
4 police officers?

5 A That's right.

6 Q Do you think the press, all the stories
7 that appeared, had something to do with you being
8 apprehended?

9 A No.

10 Q Do you think you got apprehended because
11 of the ticket that was placed on your car in Brooklyn?

12 A Well, there were other reasons. It wasn't
13 just the ticket.

14 Q You knew that Sam Carr had gone to Queens,
15 to the task force, to turn you in; didn't you?

16 A Yes.

17 Q Did you think that the fact that Sam Carr
18 went to turn you in would cause the police to come and
19 catch you sooner than they did?

20 A Yes.

21 Q Were you challenging them at every turn
22 knowing that Sam Carr had turned you in?

23 A No.

24 Q When the police called about the ticket,

1 you now know that it was Wheat Carr that suggested you
2 may be the person involved; don't you?

3 A Yes.

4 Q Did you know that she knew that even
5 before the police called?

6 A I had a feeling they did, because I had
7 sent them some letters.

8 Q How many times did you send them letters?

9 A Three, maybe four times.

10 Q Did you ever send anybody else letters
11 like that in the area?

12 A Craig Glassman.

13 Q Anybody else?

14 A No.

15 Q Did you send a postcard to Cassara?

16 A Oh, yes, that, too.

17 Q Did that have a return address on it?

18 A Yes.

19 Q Whose return address on it was that?

20 A Sam Carr's.

21 Q Why did you do that?

22 A I had my reasons.

23 Q Did you want Cassara and Carr to get
24 together?
25

A I suppose so.

Q Did they know each other before you did that?

A No.

Q When you did that act, did you do it for a particular reason?

A I'd rather not say what it was.

Q But you had a reason?

A Yes.

Q Do you think that reason could have caused you to be apprehended earlier than you were?

A Maybe.

Q Were you out there trying to get caught?

A In a way.

I drove through the police roadblocks.

Q Did you have the guns in your car when you did that?

A Yes.

Q Is there any truth to the story you would have shot up a lot of people in South Hampton if they hadn't caught you?

A Yes. That is very true.

Q Did you have a definite plan to do that?

A There was no plan but it was definite. I

didn't know where or when it was going to be.

Q Would anybody have helped you?

A No.

Q When did you first start to formulate this type of planning?

A I don't know.

Q How old are you now?

A Twenty-five.

Q When did you get out of the army?

A 1974.

Q How many years did you serve in the army?

A Three years.

Q Did anything happen to you in the army that made you feel you had to do the things you did?

A No.

Q When you came back from the army, did you live immediately in the Bronx?

A Yes.

Q How long did you live in the Bronx?

A About a year and a half.

Q Did you know Sam Carr when you lived in the Bronx?

A No.

Q When did you first meet Sam Carr?

A When I moved to Yonkers.

Q That is 35 Pine Street?

A Yes.

Q That was in 1976?

A Yes.

Q Were you ever in his house?

A No.

Q How did you know that he had camera equipment and the Illustration Studio?

A Just a guess.

Q A pretty accurate guess, wouldn't you say?

A Yes.

Q You are smiling now, aren't you?

When did you meet Michael Carr for the first time?

A I don't remember.

Q Was he a nice fellow?

A No.

Q Can you distinguish between a person for me who is, as you would say Michael Carr was, not a nice fellow and an ordinary person?

A I'd say anybody who worships the devil is not a nice person.

Q Are you telling us now that Michael Carr worshipped the devil?

A I believe he did. I believe all the Carrs did.

Q What was the basis of that belief?

A I'd rather not say.

Q You are not guessing when you say this? This is something -- this is a fact you can tell us now; right?

A I am not sure.

Q Would you make it up in your own mind?

A I might.

Q Could this be an illusion, what you are saying, that the Carrs worshipped the devil? Something you believe but really don't know?

A I guess so.

Q What would cause you to have such an illusion?

A I don't know.

Q Could it be because you are not a well person?

A I am well.

Q So, you must realize that to have an idea, that idea must be based on some fact; isn't that correct?

A I suppose.

Q You recognize there is a fact going on in this room? The fact that we are sitting here asking you questions, that is a fact, right?

A Yes.

Q There is nothing illusionary about that, is there?

A No.

Q So, you have a very definite and concrete reason when you say that the Carrs worship the devil, don't you?

A I don't want to talk about it.

Q Is it painful to you? Is that why you don't want to talk about it?

A Somewhat.

Q Has your psychiatrist ever told you that it is your illusions you don't want to talk about?

A No.

Q Has anybody ever told you that?

A No.

Q If I were to tell you that based on my experience practicing law and representing criminal defendants for some 13 years that there are certain times people believe things and they don't want to talk

about them and they are really not true, would that mean anything to you?

A I don't know.

Q Mr. Mittergar has uncovered hard evidence that leads him to believe that the Carr family, and specifically Sam Carr, is the head of certain devil worship. Do you believe that is true? Based on what you have been telling me as we are going along here?

A I believe he is wrong.

Q Is he wrong about the whole statement I just made or just part of it?

A The whole statement.

Q In other words, Sam Carr doesn't worship the devil; does he?

A I am not sure.

Q Did you say earlier that you thought he did?

A Yes.

Q This General Jack, did you make that up?

A I guess so.

Q Did you ever hear anybody referred to as General Jack before you were arrested?

A No.

Q When for the first time did you describe

somebody as General Jack?

A It was after I met Jack Cassara.

Q That is while you were living in his house?

A Yes.

Q How did you come to call him general?

A It is a long story. I don't want to talk about it.

Q Would it tend to prove what Mr. Mitzeager has been investigating might be true?

A I don't know.

Q You have indicated you have killed dogs. Do you remember how many you said? I forget. Do you recall?

A Two dogs.

Q Is that in connection with any mission or goal or purpose?

A Yes.

Q Did somebody tell you to do that?

A No.

Q You just wanted to do it?

A I had to do it.

I would have no reason to shoot dogs .

I am very fond of dogs.

When I was a security guard I worked with three guard dogs and handled them and loved them very much and I had a dog named Lucky when I was a child. I am quite fond of animals.

Q How about people? Are you fond of people?

A Some people.

Q Did you have a reason for shooting the people you shot?

A I don't know what it was.

Q It has been said about you that you can be influenced easily. Could somebody have influenced you to do these terrible things?

A No.

Q Did you at any time ever participate in any kind of a church group?

A Yes.

Q When was that?

A When I was in the army.

Q What kind of group was that?

A Baptist group.

Q Where did you get the idea for the signature, the Son of Sam signature?

A I don't know.

Q Did you ever read anything about devil

ership and things of that nature?

A I read a couple of books a long time ago.

Q Do you recall how you happened to get into that? Just out of curiosity?

A I don't know.

Q Were you on a mission or were you doing something when you committed these crimes?

A I don't know.

Q Your lawyers have told you, have they not, that they thought you had a very good defense; didn't they?

A They said that. I don't believe in that.

Q Is there any possibility, as far as you know, that John Carr could be alive?

A Yes.

Q Where would he be if he were alive, if you know?

A He could be anywhere.

Q Did you know that he drove back from North Dakota in a car?

A No.

Q When was the last time you saw John?

A I don't remember.

Q Was it a pleasant experience when you saw

him?

A No.

Q You can remember that it wasn't a pleasant experience; is that right?

A Yes.

Q Searching your mind, can you tell me if it was at night or during the day?

A I believe it was during the day.

Q Can you get a picture of it in your mind that it was during the day?

A Yes.

Q Where were you, when you get this picture in your mind?

A In my apartment.

Q Where was he?

A In the yard. In his yard.

Q You were looking out the window?

A Yes.

Q When was the last time you saw him before that?

A I don't remember.

Q Do you remember approximately what year it was that this went on?

A No.

Q Could it have been during the period of time you were committing these crimes?

A Yes.

Q Did you want to kill him when you saw him?

A Yes. I waited for one of the Carre to come in the back of their house so I could shoot them with a rifle but the dog was back there instead so I shot him.

Q That was another time, that was when you were up on the aqueduct?

A Yes.

Q Do you have any idea why you hated the Carre so much?

A Yes.

Q Do you think it was fair to hate them that much?

A Yes.

Q Did they ever do anything terribly wrong to you that they deserved your hatred that much?

A Yes.

Q It has been told to me by extensive investigation by many people that the Carre are a little peculiar, a little weird or a little eccentric. Did you ever know that to be true?

A No.

Q Did they ever physically hurt you?

A Yes.

Q What was that physical hurt?

A They made a lot of noise.

Q It was the noise that hurt you?

A Yes.

Q Anything else?

A No.

Q What kind of noise was it?

A Load noises.

Q With what? Do you remember?

A A dog.

Q How did they make the noises? Just a dog

arking?

A Yes.

Q Anything else?

A I'd rather not say -- I asked him to stop.

I wrote the letters begging him to stop but they didn't

stop.

Q When you committed these other crimes,
were you directing that hatred at the Carrs and just
because you couldn't get them you got the other people?

A I guess so.

A No.

Q Did they ever physically hurt you?

A Yes.

Q What was that physical hurt?

A They made a lot of noise.

Q It was the noise that hurt you?

A Yes.

Q Anything else?

A No.

Q What kind of noise was it?

A Loud noises.

Q With what? Do you remember?

A A dog.

Q How did they make the noises? Just a dog

barking?

A Yes.

Q Anything else?

A I'd rather not say -- I asked him to stop.

I wrote the letters begging him to stop but they didn't stop.

Q When you committed these other crimes, were you directing that hatred at the Carrs and just because you couldn't get them you got the other people?

A I guess so.

Q Do you want to stop for a few minutes?

A I don't know.

(At this time, the interview was stopped for a few minutes.)

THE WITNESS: You can go on.

Q I am very much concerned to establish the truth and for all whether or not my client was literally making up the wrong tree on the Carrs. In truth, did they do anything to you other than the noise and the barking dogs in their backyard?

A No.

Q You could really say now that they don't worship the devil; is that true?

A I'm not sure. I don't know.

Q Did you ever meet anybody that worshipped the devil?

A No.

Q What would lead you to believe that they worshipped the devil?

A I had my reasons.

Q Could I ask you a couple of questions about the Moskowitz situation. Some of the evidence, the hard evidence, that investigators have gotten speaks of a person leaving the park from the direction opposite

or in a different direction from where your car was parked.

Are you aware of that?

A No.

Q Do you remember how you left the park that night?

A Yes.

Q Could you tell me.

A I went through the park to my car.

Q Did it have a ticket on it?

A I took the ticket off earlier.

Q Did you see the cop put the ticket on your car?

A Yes.

Q How were you dressed when you saw that happen?

A I had on my shirt, my white shirt, my dungaree pants, work boots.

Q Were your sleeves rolled up?

A I think they were short sleeves. All my shirts were short sleeves.

Q Did you have a jacket?

A Yes, I think so.

Q You were wearing a jacket?

A Yes.

Q Did you read in some of the accounts of that situation that some people thought the person that committed that particular crime had a shirt on with the sleeves rolled up?

A No.

Q Did you sit on the swing that night at all?

A No.

Q Did you notice anybody else around there?

A Yes. The couple I shot.

Q It has been said that some dog told you to do that; is that true or is that just stuff that was in the newspaper?

A I don't know.

Q Did any human being ever tell you to do anything?

A No.

Q How many guns did you have altogether?

A Four.

Q Did you ever show them to any of your friends?

A No.

Q Who were your friends during that period of time?

A I didn't have any.

Q Not one single person?

A No.

Q Did you spend most of your time alone?

A Yes.

Q Did you spend most of your time in your apartment?

A Yes.

Q Did you read during that period of time at all?

A A little bit.

Q Watch television?

A No.

Q Did you own a television?

A Yes.

Q Did you have it in the apartment?

A Yes.

Q Did you hang things on the wall in the apartment?

A I had pictures on the wall.

Q Do you remember what they were?

A Nature settings.

Q Now you have been really fair and helpful about John Carr and there were a few things you said you

didn't want to talk about. Have you talked about them in the conversations we have had already?

A No.

Q You are still holding back some information from me; is that right?

A It's irrelevant.

Q If it is irrelevant, I would appreciate it if you would tell me about it.

A No.

Q You still want to hold something back?

A Somethings I feel is nobody's business.

Q Is it very personal things? Is it a personal relationship you had with him? Is that what it is?

A No.

Q But there is definitely something, as you are sitting here talking to me now, that you just don't want to tell me; is that right? A conscious withholding?

A I don't know.

Q When you say you don't know, you just can't think of it or you don't remember my question?

A I just can't think of it.

Q If I were to ask you about Michael Carr, did

you ever see him in the backyard?

A I don't want to talk about it.

Q You have talked about John being in the backyard.

A I don't really want to go and pursue that any further.

Q When you drove back from Houston, did you go right back to your apartment?

A Yes.

Q Did you go to work during that period of time?

A Yes.

Q Were you working regularly at that time? In the summer? In July of 1977, did you go down to the Post Office?

A Yes.

Q Every day?

A Just about.

Q You came home every night?

A No.

Q Did you go out and drive around?

A Yes.

Q Were you out driving around almost every night?

A Yes.

Q Just by yourself?

A Yes.

Q Were you looking for people every night to shoot?

A Just about.

Q You were always by yourself when you were riding around?

A Yes.

Q In your yellow car?

A Yes.

Q Did you know the City of New York pretty well?

A Some parts of it.

Q You seemed to know Bay Ridge pretty well; didn't you?

A Yes.

Q Did you go there a lot?

A No.

Q How did you come to buy the gun in Bay Ridge? The 45 caliber rifle?

A I called up the gun company. They told me where to go.

Q Do you mean the manufacturer of the gun?

A Yes.

Q Did you want that particular type of gun?

A Yes.

Q Did you have a particular reason for wanting that particular type of gun?

A No.

Q Did you ever participate in any kind of group experience after you came out of the army?

A Like what?

Q Like church group or social group or a bunch of friends or anything like that?

A No.

Q Did you think you were committing a crime when you shot those people?

A I guess so.

Q Have you told the police about all the crimes you have committed.

A Yes.

Q Including all the fires and everything you set?

A Yes.

Q Did you actually do that?

A Yes.

Q Was the first thing you started doing,

was that the setting of the fires?

A Yes.

Q Was that for a reason?

A I don't know.

Q Where did you write the notes that you sent out?

A In my apartment.

Q What type of material did you use?

A A piece of writing paper.

Q What type of pen?

A It was a pencil.

Q What type was that?

A A lead pencil.

Q An ordinary lead pencil?

A Yes.

Q Did you ever make notes first and then recopy it over or did you just work right through it.

A I recopied it sometimes.

Q Did you recopy the notes to Mr. Breslin?

A Yes.

Q You spent quite a bit of time on that yourself; is that right?

A Yes.

Q Did you want the press to know about you and to !

to try and have them assist the police in apprehending you when you did that?

A Yes.

Q All of the things you did about writing notes, that was really a cry for help; wasn't it?

A I don't know.

Q From your window in the Pine Street building, you could look into the backyard of the Carrs; is that right?

A Yes.

Q Did you ever walk around the neighborhood, go around the front of their house?

A Yes.

Q Do you ever remember seeing a sign about the Illustration Studio?

A No.

Q How did you know they had an Illustration Studio in that house?

A I just guessed.

Q If I told you they had a stereo shop in that house, would you agree with me?

A I don't know.

Q Would you guess that they did?

A I suppose.

Q Is there any information that you have or anything you know of that could prove that nobody else was involved with you in these things?

A No.

Q Did Mr. Glassman ever do anything to you to make you react to him the way you did?

A Yes.

Q Do you remember what that was?

A I'd rather not say.

Q Did he make loud noises, too, from time to time?

A Yes.

Q Could that have been the reason you wanted to have some kind of a confrontation with him?

A Yes.

Q I think that the hints you put in the letter are very clever. Did you deliberately also lead a little trail to certain people that you didn't like?

A I don't know.

Q After you were arrested, you were aware that there was some suspicion that John Carr, John Wheat Carr, might have been involved with you; isn't that so?

A Yes.

Q You deliberately used his name in a letter;

didn't you?

A Yes.

Q Did you do that to kind of point the finger of suspicion at him or at least cause him trouble or harm?

A Yes.

Q So that when I asked you if you did do little things to lead a trail to the Carr family, to cause them more pain and more hurt, you could truthfully answer yes to that question?

A Yes.

Q Would you have liked to have seen the Carrs get falsely accused of committing some crimes?

A No.

Q You just wanted the finger of suspicion to point at them?

A No. I wanted them dead.

Q But you used their name in the letter; is that right?

A Yes.

Q Were there any of the other neighbors, other than Glassman and Carr, that you felt that way about?

A Yes.

1 Q A lot of them?

2 A No.

3 Q How many more?

4 A Two more.

5 Q Who were they?

6 A People that lived at 18 Wicker Street
7 and 22 Wicker Street.

8 Q Do you know their names?

9 A Not.

10 Q How do you spell that?

11 A N-o-t-a.

12 Q Do you remember what they did?

13 A Yes, but I'd rather not say.

14 Q There has been some evidence or
15 information that has come to our attention, similar to
16 the Carrs, that you sort of planted a little evidence
17 in that direction. Did you do that on purpose, too?

18 A I guess so.

19 Q Did you have any books to follow or did
20 you read anything in preparation of the code that was
21 in the letter?

22 A No.

23 Q Did you completely make it up on your own?

24 A I'd rather not say.

Q Did your army experience or anything of that nature lay the foundation for you to use the code?

A No.

Q Did it take you a long time to make up the code?

A What code?

Q The hints that you put in the letter about Wicker Street and the location of Pine Street and knock on coffins.

A No.

Q Were there hints in other letters?

A I don't know.

Q Was anybody else ever in your apartment besides yourself?

A No.

Q I understand that you had the telephone number of the National Guard taped on the wall in your apartment; is that true?

A No.

Q There is a woman that runs a kennel that has told our investigators, somebody called and said, "This is Mr. Berkowitz. I am looking for a dog."

Did you ever do anything like that?

A No.

Q Did you ever, in your life, go to a kennel to get a dog?

A No.

(At this time, Mr. Freshour entered the room.)

MR. FRESHOUR: Gentlemen, my name is Richard Freshour. I am with the Attorney General's Office.

I would like to see the order under which you are authorized to be here.

MR. GILROY: I think we mailed a copy.

MR. FRESHOUR: I did not see it.

MR. GILROY: Here is the certified copy. Here is a copy of the letter. Here is the response, if you want it.

MR. FRESHOUR: This is Dr. Uwah, Mr. Berkowitz's psychiatrist.

Based on what I have before me here, I am inclined to refuse to allow the interview of Mr. Berkowitz to continue in the absence of his counsel being present.

MR. GILROY: I don't know what authority you have for that.

MR. FRESHOUR: On the authority that this

is a State Institution and that I am counsel for the Institution.

MR. GILROY: That is no authority.

MR. FRESHOUR: It is authority to the extent that Mr. Berkowitz does have an attorney, I believe --

MR. GILROY: He has been noticed.

MR. FRESHOUR: I see nothing from Mr. Berkowitz's attorney authorizing this interview to continue.

MR. GILROY: His attorney has been noticed. He was sent a copy of the order. He was noticed before the order was signed. I personally spoke with his office before the Court signed it and I advised him the Court intended to sign an order on a certain day. They had an opportunity to proceed.

This is an assistant from the Special Prosecutor's Office. He was noticed.

There is a copy and affidavit on file of service on all these people. They were contacted.

MR. FRESHOUR: That is fine. Like I said, I am inclined to refuse to allow the

interview with Mr. Berkowitz to continue and, additionally, any material which has been obtained up until this time, I am going to request that it be retained here until we obtain --

MR. GILROY: No. I won't permit that. I don't think you have any authorization for doing what you are doing at this time and you certainly have no statutory --

MR. FRESHOUR: I don't see where you gentlemen have any authorization to be here and, additionally, I would request to see the original of the order signed.

MR. GILROY: You have a certified copy, certified by the clerk. I just handed it to you.

I might add, there is a representative from the Attorney General's Office sitting in this room and has been sitting in this room all along.

MR. MC CLOSKEY: I am from the Special Prosecutor's Office, Mr. Keenan's office.

We have an indictment against this gentleman's client. I was notified by the

Court that if we want someone present during this interview, the Court allowed the interview and I am here pursuant to the direction of my office and the Court to be present during this interview.

MR. FRESHOUR: You are from the Attorney General's Office?

MR. MC CLOSKEY: I am from the Special Prosecutor's Office. Mr. Keenan is a Deputy Attorney General.

MR. FRESHOUR: May I see your credentials, please.

MR. MC CLOSKEY: Sure.

MR. FRESHOUR: May I speak to you off the record.

MR. MC CLOSKEY: Of course.

(At this time, Mr. Freshour held private, individual conferences with, respectively, Mr. McCloskey, Dr. Dwah, Mr. Berkowitz and Mr. Gilroy.

All parties returned to the examination room.)

MR. GILROY: Do you have a statement to make?

MR. FRESHOUR: Yes, I do.

Again, Richard Freshour, Deputy Assistant Attorney General.

Upon the advice of Dr. Uwah, attending physician for David Berkowitz, upon his advice, he believes it is in the best interest of David's mental health that the interview which has been proceeding for a rather lengthy period of time be terminated at this particular point.

MR. GILROY: Can we have a statement of the time on the record.

MR. FRESHOUR: Call it 3:19 P.M.

MR. GILROY: What time did you interrupt?

MR. FRESHOUR: I don't know. I thought perhaps you would have noticed that.

MR. GILROY: I noticed it was almost 20 minutes to a half hour ago. Is that more or less correct?

MR. FRESHOUR: I don't know.

DR. UWAH: The time was about 3:00 o'clock.

MR. GILROY: And we commenced at approximately 1:30.

Dr. Uwah is present in the room now?

DR. UWAH: Yes.

MR. GILROY: Were you present at any time

1
2 during my questioning of Mr. Berkowitz?

3 DR. UWAH: Do I have to answer this
4 question?

5 MR. FRESHOUR: Yes.

6 DR. UWAH: No, I wasn't.

7 MR. GILROY: Thank you.

8 Is this your signature on the letter dated
9 September 20, 1978 from the New York Office of
10 Mental Hygiene, and I show it to you, under the
11 signature of Judith Stanley?

12 DR. UWAH: Yes.

13 MR. GILROY: Thank you, sir.

14 I would like to register my objection
15 for the record, at this time.

16 MR. FRESHOUR: Mr. Gilroy, as long as you
17 are making a record, would you also like to
18 acknowledge that the Mental Health Information
19 Services was not notified of the proposed interview
20 of Mr. Berkowitz? Is that also correct?

21 MR. GILROY: I think the order speaks for
22 itself. Everybody that was notified is on the
23 copy of the order that this institution received
24 and they received it two weeks ago.

25 MR. FRESHOUR: Is Mental Health Information

Services noted on the order?

MR. GILROY: They are not noted.

MR. FRESHOUR: Thank you.

MR. GILROY: But this Institution was noticed. They received a copy of the court order. The court order indicated they should have received a notice.

Two weeks ago I communicated with them. On the following Monday, I had conversations by telephone with Miss Stanley. We set up the procedures for coming here today and that is some two weeks ago.

MR. DALY: I would like to ask if we can let David go out of here now.

MR. GILROY: Oh, yes. Fine.

Thank you very much Mr. Berkowitz. We appreciate your cooperation.

I would like the Attorney General to state his statutory authority or any authority he has for entering this room and interrupting this whole proceeding.

MR. FRESHOUR: The Attorney General stands as counsel for the Central New York Psychiatric Center and in view of the fact

that David Berkowitz has a known mental condition
and upon the request of his attending physician,
Dr. Daniel Uwah, I was summoned here.

-000-