

the village **VOICE**

A Day on the Rat Patrol
By Patrick Carr
(P. 28)

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Murder on a Day Pass



Adam Berwid (right) being led away by county detectives . . .

One Walked Out of the Cuckoo's Nest

By Teresa Carpenter

Ewa Berwid knew perfectly well that her husband intended to kill her. Adam had told her so in a series of matter-of-fact letters penned on yellow legal sheets from the Nassau County Jail. He would strangle her, he promised. Push her ribs right through her back.

So resolute was he in this obsession that during May of 1978, sometime after their divorce became final, he announced in open court his intentions to take her life if she did not relinquish custody of their two small children, Adam and Olga. After catching a glimpse of her during a later appearance, he lunged for her and was

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. . . after making good his stated intention to kill wife Ewa.

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Registering for the Apocalypse

Jimmy Carter and the Draft

By Nat Hentoff

"The great mass of 18-year-olds . . . are given no choice. Thus . . . the older generation immolates the younger, on the altar of Moloch. What God, centuries ago, forbade Abraham to do even to his own son — 'Lay not thy hand upon the lad, neither do thou anything unto him'—this we do by decree to the entire youth of a nation."

—A.J. Muste
Of Holy Disobedience, 1952

On February 9 and 10, a symposium took place at the Harvard University Science Center: "The Medical Consequences of Nuclear Weapons and Nuclear War." Such divinations of the terminal agonies of the race were rather frequent in the 1950s and early '60s. A nuclear holocaust was "unthinkable," but we thought a lot about it then, and each month approached the doomsday clock on the cover of

The Bulletin of the Atomic Scientists with no little dread. There were even quasi-documentary films projecting, in the grisliest detail, what World War III would be like. Those movies had a considerable vogue on college campuses and often were followed by rather wooden discussions as to who would be the more fortunate: the survivors or those instantly incinerated.



Berwid jimmied the screen of the left basement window, kicked in the glass, and climbed the stairs to the kitchen where Ewa was futilely dialing 911.

Murder on a Day Pass

By Teresa Carpenter

tackled by sheriff's deputies before he could straddle the rail of the jury box.

Life for Ewa Berwid became, as a result, one long-running nightmare. Even after Adam was committed to a state mental hospital for observation, she never drew a free breath. For she knew that Adam was cunning enough to elude those who watched him. She bought a revolver, kept it by her bed, and tried to live sensibly with terror.

Early last December, Adam Berwid persuaded a psychiatrist at Pilgrim Psychiatric Center at Brentwood, Long Island, to give him a day pass. He was free more than six hours before Ewa realized it. When she did it was too late. Shortly after dusk on December 6, Ewa was at home with her two children when she heard glass shattering in the basement. There was no time to run upstairs for the gun. She hurried instead to the wall phone in the kitchen at the head of the basement stairs and punched 911. An emergency operator answered, but Ewa never had the chance to identify herself or utter a coherent message. Adam appeared at the top of the stairs with a hunting knife, and when he grabbed her the nightmare ended in a series of fast, flickering freeze frames.

"Olga, get out!" Adam plunged the knife into her neck and chest with four fatal and audible blows. As the receiver dangled by its cord from the wall, the police operator heard the muffled shuffles of a struggle and a woman crying, "He's killing me . . . I'm dying . . . Oh, God . . . Oh, God." Then there was silence except for a sigh. And someone placed the receiver back on its cradle. There was no time to trace the call.

One Walked Out of the Cuckoo's Nest

Ewa Berwid's death, while perhaps not the most ghastly homicide in this season of mutilations and decapitations, was certainly one of the most infuriating. How could a woman marked so clearly for death be left so vulnerable by the police, by the courts, and most particularly by the psychiatrist who granted Adam Berwid his day pass?

During the weeks that followed the slaying, all of those who might have saved her engaged in a frantic round of recriminations trying to find some place to deposit the guilt. Both the Assembly and the Senate held hearings into the matter, during which legislators and public witnesses excoriated the State Office of Mental Health for lax security and supervision. And the OMH, mortified and anxious to distance itself from the tragedy, announced that as the result of an intensive investigation it would, for the first time in its history, suspend two psychiatrists for "misconduct." The ax fell upon Berwid's doctor, Irving Blumenthal, and his immediate superior, Dr. Tsu-Teng Loo. Then the state cooperated meekly with Nassau

County District Attorney Denis Dillon, who asked that administrative charges be suspended temporarily so he could seek a *criminal* indictment against the two doctors—a move which sent a chill through the medical establishment and challenged the already-eroding principle that patient-doctor privilege gives psychiatrists some special immunity to prosecution. (A California supreme court held in 1974 that a psychiatrist treating a patient who utters threats must take steps to warn the prospective victim).

At present, Blumenthal and Loo are the most visible targets for reprisal. Whether Dillon can prove that they are *criminals* remains to be seen. But the responsibility for Ewa really goes far beyond two careless doctors. She was failed by an entire system of law that should have contained safeguards to protect her. That system, however, turned out to be combed with trap-doors and triplocks. And Adam Berwid slipped right through it.

To be sure, the test of wills between Adam and the mental health system was

a mismatch. He was clearly superior. Pilgrim's director, Peggy O'Neill, says in retrospect, "He was a very bright man. Super bright. Probably brighter than anybody treating him." He was by every account remarkable. Even Ewa, during the last months of her life, was mesmerized in a horrible way by his enterprise. That all his genius should be turned upon destroying her seemed unreal, because she had once loved him very much.

Adam had courted her in Poland during the early '60s. She was 19, a blond unworldly engineering student. He was 26, dark and domineering, already a nuclear engineer. He offered to be her protector and she accepted. During the early years of their marriage, Adam dominated her with her blessing. In 1969 he brought her to America. They arrived in New York City with only two small suitcases and \$1000 between them. But they both found good engineering jobs and eventually moved to Mineola, where they bought a modest white shingled house at 244 Wellington Road.

A couple of years after leaving Poland, Ewa gave birth to Olga; three years later to Adam. To all appearances, the Berwids and their two healthy infants were a family favored by fortune. Neighbors considered them close, devoutly Christian. Particularly Adam, whose religious convictions were firm to the point of unyielding.

No one is quite sure when Adam's problems began. In one theory, he was unhappy that Ewa continued to work after the children were born. She was advancing very rapidly and eventually earned more than he did. Jealous of her success, he

Continued on next page



Ewa Berwid with Olga and Adam

menace, and when one like Adam arrived on the scene, Pilgrim's most fervent hope was that he would get well and go away.

Pilgrim did not want to keep him, and Ewa—her dread heightened by the transfer—was in a quandary. "Take the children and run," friends urged her. "Go away somewhere and change your name. Start a new life." But she said no. She had a good job, friends, church, neighbors, a new male friend. She had an understanding with the local police, who cruised past her house at intervals, checking for trouble. Besides, she said, if Adam were truly intent upon killing her, he would hunt her down no matter how far she ran. Perhaps, she mused to her attorneys, Adam really was getting well. Hoping to see some genuine improvement, she went to visit him at Pilgrim. It was an amiable encounter. He seemed better. At least he was calm. He told her he wanted to move back in with her. Perhaps they could even travel together. Would she like that? As gently as possible, she told him no. And he returned to his locked ward.

The lock, however, proved illusory. No one watched Adam closely. That was partly because the acute ward to which he was assigned was in a state of turmoil as the result of an HEW investigation which had discovered inadequate nursing care, sloppy drug therapy, and lax supervision of patients' treatment. Staff was being shifted here and there, and Berwid, it seems, was lost in the shuffle. On April 5, 1979, he escaped, if you can call it that. He simply shoved open the push bar on the locked ward, left the grounds, and walked 30 miles west to Mineola. When the hospital discovered he was missing, an official notified Ewa so she could take care not to be alone in the house. Two days later, Ewa returned home with her male friend. On her way to the upstairs bathroom, she noticed the bedroom door ajar. From an oblique angle she saw Adam lying on the bed in his underwear. He appeared to be stirring from a sound sleep. She tiptoed downstairs and went to the phone. The wires had been cut. She called the police

from a neighbor's house. But when the patrolman arrived, they were not quite sure what to do. They were not authorized to arrest Berwid, since Pilgrim had never sent a teletyped message verifying his escape. Adam was docile as police debated for the next two hours whether or not they could take him in for trespassing. This had, after all, once been his house. There seemed to be no statute covering the situation. Finally they received word from headquarters to take him the hell back to Pilgrim.

Within a week, he escaped again. This time he pried loose the chicken wire from a second-story bathroom window and climbed down a rope of knotted sheets. That night, two plainclothes detectives kept a vigil with Ewa at the house. But Adam did not show. Instead, at noon on the following day he surfaced at Olga's elementary school in Mineola and demanded to take her away. The principal said Olga was in class, then quietly called the police.

These escapes got Berwid transferred back to maximum security at Mid-Hudson. There his entire demeanor changed. The complaining stopped. For seven months, he put his short, compact body through a daily conditioning regimen of 100 sit-ups and five miles of laps. His delusions apparently subsided and days passed without mention of Ewa or the children. He filed a writ to the courts insisting that he was not mentally ill. And because he was not "acting out"—not raving or attacking attendants—Mid-Hudson felt it safe to transfer him back to Pilgrim with instructions that he be eased slowly back into the community.

Adam's menacing history was chronicled in one black loose-leaf binder. This record preceded him wherever he went within the system and it contained everything: the assistant D.A.'s warning, DeMaro's warning, the psychiatrist's admonition that Adam would one day con a doctor into letting him go. And in late November last year, that record landed on

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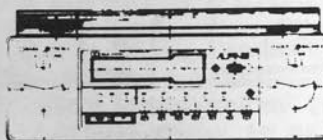


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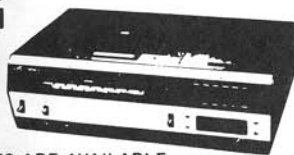
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the desk of an elderly Pilgrim psychiatrist, Dr. Irving Blumenthal. As Adam's doctor, Blumenthal had nearly absolute authority. He could issue his patient an honor card to stroll the grounds, or a day pass allowing him to leave the hospital unescorted. Such excursions are, after all, considered good therapy—a kind of decompression for patients soon to be released. Blumenthal was cold and noncommittal, therefore, when he received a call from Legal Assistance asking him to notify Ewa if Adam were allowed off-grounds unescorted. Blumenthal would not promise that. His rationale—one supported by the majority of institutional psychiatrists up through the top echelons of the Office of Mental Health—was that day passes were a part of therapy. To contact outsiders, therefore, violated confidentiality. Furthermore, the law did not require notification except when a patient escaped.



Berwid's doctor Irving Blumenthal

Blumenthal's superior, Dr. Loo, also refused to commit himself to notification if the patient was allowed to leave. He was sufficiently alerted, however, to instruct a male therapy aide to flag Berwid's notebook with large red letters reading: **POLICE MUST BE NOTIFIED IF PATIENT ESCAPES**. On the front of the book, the aide also posted the telephone numbers of the police and Ewa's lawyers, as well as Ewa's unlisted number.

Those warnings, so stark and urgent, could hardly have escaped Blumenthal's notice. Six days after Berwid arrived, Blumenthal observed for the clinical record that if Adam did indeed escape, emergency notification procedures would be followed. (He also signed a typed memorandum to that effect one week later, on December 3.)

But during the two weeks that Berwid was at Pilgrim, he was, as Blumenthal later put it, "an absolute angel." He helped other patients and rarely talked about his family except to explain that he wanted to visit family court again to see about getting his children back. "Whatever he was told to do, he did," Director Peggy O'Neill recalls. "He even volunteered for more. In fact, he was at the point of asking if he could get involved in the work program. . . . He was extremely cooperative. There was probably a method in his madness to be that cooperative." Berwid began pressing for an honor card; he said he wanted to buy himself a winter coat.

A little more than two weeks after Berwid arrived, Blumenthal stunned his treatment team by announcing that he was giving Adam both an honor card and a day pass. Berwid had received no intensive therapy. He had met only once with the team to draw up his treatment plan—one that specified improving relations with his "wife"—and was scheduled to see a psychiatrist only once a week for an hour. One nurse, particularly distressed by the prospect of the passes, pointed out to the others that Berwid hadn't been around long enough to be evaluated properly—that hospital policy dictated extending freedom by degrees. Nevertheless, Blumenthal authorized two excursions, and the following morning, December 5, Berwid was allowed to roam free on the grounds.

When he failed to return by the 4 p.m. curfew, the nurse on duty told Blumenthal that she was worried and suggested that he call all the parties on the front of Berwid's binder. Blumenthal dismissed the warning, saying that emergency notification did not apply to a day pass. He then extended Berwid's curfew to 9 p.m. Berwid wandered in sometime before 5:30 p.m., apparently offering no explanation of where he had been, except that he had checked \$100 out of his institutional savings account to buy a coat. Instead of disciplining him, Blumenthal signed him out on a day pass the following morning, December 6. That was the second anniversary of the Berwid's divorce. Blumenthal's apparent indulgence worried two nurses, who took their concerns to Dr. Loo, who telephoned Blumenthal to satisfy himself that the situation was under control. At that point, Loo could have over-

ridden the pass. But he did not.

Berwid left the acute-care ward shortly after 10 a.m. He was stopped by a county patrolman, but he flashed his pass and was waved on. According to the itinerary he had outlined to Blumenthal, he was to take his \$100, get on a bus to Bay Shore three miles to the south, and shop for a coat. No one seems to have noticed that Berwid already had a winter coat.

Instead of heading for Bay Shore, Berwid took the Long Island Railroad from the West Brentwood Station to Mineola. The train deposited him at the outskirts of his old neighborhood. He strolled to a Friendly Ice Cream Shop around the corner from Ewa's house and ate an unhurried lunch—a hamburger and coffee. He dropped by the dentist's office to have his teeth cleaned. Then he went shopping for a knife at Herman's World of Sporting Goods. He found one that would do. It had a short, utilitarian blade. About five inches. The kind of knife a woodsman might use to dress a deer. His errands complete, he waited until dark.

When Pilgrim's evening shift came on duty, the same nurse who had urged Blumenthal the night before to notify police was disturbed to find Berwid had once more not met the 4 p.m. curfew. Her fears subsided when, at 4:30 p.m., he called in to say that he had taken the wrong train and ended up at Penn Station in New York City. He would be back in a couple of hours. He was not, of course, in New York at all, but at the Mineola train station only 10 minutes away from Ewa, who was beginning to prepare dinner for Adam and Olga. No one else was at home. Adam arrived in the dark and walked down the driveway to the backyard. There he jimmied off the screen of one of the squat rectangular basement windows and kicked in the glass. Wedging his body through the narrow opening, he dropped to the basement floor and climbed the stairs. At the top, he grabbed Ewa, who was standing at the phone, and stabbed her again, and again, and again.

When she was still, he set to work putting things in order. He methodically mended the broken window with boards. He cleaned the blood from the kitchen floor and washed himself. He removed some of Ewa's garments and washed her too. Then he carried her to the front room, where he laid her on a cot and folded her arms over her chest. He covered her with a coarse brown blanket, then placed a small votive candle on either side of her body. On one wall he fashioned a cross of red ribbons. Then he commenced a dreadful wake, summoning Olga and Adam, who were cowering in an upstairs bedroom.

"Pray to Mommy," he told them. "Kiss Mommy good-bye." Then he sent them back upstairs to sleep.

Berwid did not return to Pilgrim at 6 p.m. as he had promised. But the ward nurse still did not start emergency notification. Still bound by Blumenthal's order to extend curfew, she waited. It was not until 9 p.m., therefore, that the staff finally began calling the numbers on the front of Berwid's black binder. No answer at Legal Assistance. No answer at Ewa's number. They sent her a mailgram in-

NEWSDAY

The law required that a patient be transferred back into his own community. The patient, in this case, was relocated to a spot within one hour's train ride from his intended victim.

forming her in passionless terms that Mr. Berwid was off the grounds without consent. The police arrived at Wellington Road about 9:30 p.m. They rang the doorbell and checked for signs of a break-in, but everything seemed secure. So they left. About 11 p.m., however, Pilgrim sent a more urgent message out over the teletype and three patrolmen familiar with Ewa's case went to check the house again. They banged on the doors and peered in the windows. The house was dark except for a faint glow, too weak to be an incandescent bulb, that appeared to come from the front room. They supposed it to be a night light. One cop spotted that morning's *Daily News* still lying in the yard and speculated that Ewa had already learned of Adam's escape and had fled with the children. So they drove away. And all the while, Adam sat by candlelight ruminating over Ewa's body.

Next morning, about 8:45, Berwid called the D.A.'s office. No one was in yet; the call was picked up by a police operator who advised him to try again at 9.

"Thanks," he replied. "I'll call back." Finally reaching an assistant D.A., he explained calmly that he had escaped from Pilgrim and that he had murdered his wife. Detectives from county homicide were the first to arrive. Adam and Olga waved to them from an upstairs window. The detectives waved back. Adam answered the door and took them to Ewa's body. Only later that afternoon did the police play back that fragmented emergency 911 tape and realize the call had come from Ewa, the corpse on the cot. The following day a postman delivered the mail from Pilgrim informing Ewa her husband had escaped. No one had thought to send the warning Special Delivery.

Adam Berwid inflicted heavy casualties not just upon his harried victim but upon everyone around her. The children he sought to keep from evil are now under a psychiatrist's care. Ewa's lawyers feel bitter and mortally cheated.

Dr. Loo reportedly is overcome with remorse and has been hospitalized for heart problems. Blumenthal still admits to no error in judgment. Neither man will discuss the case. They are stifled, of course, by the threat of a criminal indictment—a prospect which has thrown a pall over psychiatry in New York. During the weeks immediately following the murder, patients' rights advocates reported a dread reluctance among psychiatrists to make release decisions. Their defense: Psychiatry is an art, not a science. We cannot tell you when a patient will kill.

One probable and far-reaching consequence of the Berwid scandal is that it is likely to give rise to a "defensive psychiatry" wherein doctors will make fewer mistakes simply because they will make fewer decisions. "The doctors are as human as we are," says patient-rights advocate Alfred Besunder. "If they're afraid they're going to get their backsides sued, they're going to say, 'The hell with it. I'm not going to make any decisions...'" And for some patient who has been making progress, that is tragic.

One opinion that is gaining support among psychiatrists is that doctors should be given absolute immunity—in the same manner, perhaps, that the U.S. Supreme Court recently allowed immunity for parole officers. Short of that, the decisions for release of potentially dangerous patients will probably end up in the courts. In the opinion of Ewa's attorney, Marjorie Mintzer, that is just where the responsibility belongs.

"I have a feeling," says Mintzer, "that doctors are not trained to look past their responsibility [to] their patients. Now it may have been in Adam Berwid's best interest to have a chance outside of the institution for a day. . . . But would you

balance the minimal good it might have done [against] the risk to society? And if so, would you put that decision in the hands of a doctor? I wouldn't. Judges make those decisions."

The legislature, now rallying to find remedies, has entertained a spate of proposals, some so reactionary they would roll back two decades of reform in mental health law. But others are more moderate. One remarkably restrained bill came out of the office of the Nassau County D.A., who proposes to caulk the "statutory gap" between criminal and mental health law by allowing the D.A. to keep tabs on a court-ordered patient even after that patient is turned over to the mental health system. It would require doctors to notify police and any potential victim at least two days before a patient is given a day-pass. Implicit within this proposal is the power of the prosecutor to challenge a doctor's decision in court, bringing in his own psychiatrists to air conflicting medical opinions before a judge. Even a relatively conservative proposal such as this, however, will run into problems in the definition of "potentially violent." If psychiatrists confess their own inability to predict violent behavior, who will make the determination?

Even assuming that the notification bill survives close constitutional scrutiny, it does not really reach to the heart of the problem. The fact is that Berwid was mischanneled through a maze of law into a mental health system equipped neither to treat him nor to incarcerate him. He clearly does not belong there. But to direct him elsewhere, through the penal system, would be to back a precedent going back to Anglo Saxon law, which holds that an insane man cannot be held a criminal. Assuming the venerable McNaughton legal definition of insanity can be altered to allow the criminally insane to be treated within prisons will mean spending millions to provide clinical facilities. To keep them within the mental health system, on the other hand, will mean spending millions on secure and forensic wards. Either way, the pendulum swings back toward the prison mentality of Matteawan and Dannemora.

Berwid has not actually created any new dilemmas: he has simply stirred the embers of old controversies. And as they burn around him, he sits in the Nassau County Jail still imposing his own will upon events. Confessing at the slightest provocation. Confounding the system.

Last December he wrote to *Newsday* from jail: "I did my act of taking a human life, not in the name of hatred toward my former wife, but in the name of Jesus Christ to defend my loved ones." He considers his cause righteous and is quite certain that judge and jury will see the justice in what he did.

Meanwhile, he is drawing up a death list of all those who have suggested he is insane. The list includes his first court-appointed lawyer—whom he fired—and a second to whom he barely speaks. To facilitate these righteous executions, he has applied for a handgun permit.

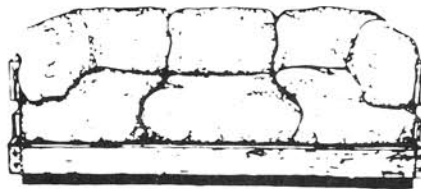
He refuses to plead innocent by reason of insanity and will not allow himself to be examined by psychiatrists. How, they ask, can you examine a mute man? Although charged with second-degree murder, he has twice refused to come to court voluntarily for his arraignment, and a frustrated Judge Richard Delin has ordered the use of force, if necessary, to bring him to his next hearing set for late February.

If Adam Berwid is found capable of standing trial, he will almost certainly be acquitted by reason of insanity. In that case, he will be sent back through the cycle to Mid-Hudson—where felony charges against him will eventually lapse.

In the meantime, he will be eligible for a day pass.

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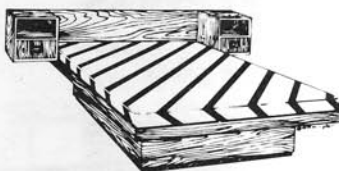
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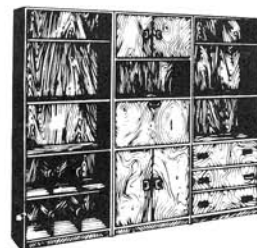
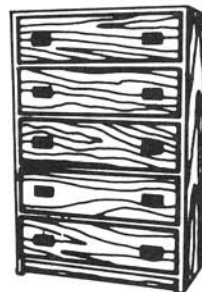
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