

Rodino Reported to Order A Study of Roncallo Case

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NYTimes By LAWRENCE VAN GELDER

Representative Peter W. Rodino Jr., chairman of the House Judiciary Committee, instructed his staff yesterday to investigate the circumstances surrounding the indictment last winter of Representative Angelo D. Roncallo of Long Island and "certain activities" of the United States Attorney's office for the Eastern District of New York.

The action by Mr. Rodino was announced by a spokesman for Mr. Roncallo, who was acquitted last month of extortion charges, as mystery continued to surround the alleged drugging during that trial of Peter R. Schlam, the 29-year-old prosecutor.

It was understood that the "certain activities" to be looked into by Mr. Rodino's staff included the contention that Mr. Schlam had been the victim of foul play.

Mr. Schlam's illness came as the Government's case against Mr. Roncallo faltered. The con-

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flicting points about the illness, which are now being investigated by the several agencies, are the following: Was a drug slipped to him, and if so, what was it? Or did Mr. Schlam take a drug himself?

If the investigations show that no foul play was involved, then the question will be whether the United States Attorney's office knowingly lied last month when it said that there was.

In addition to the investigation ordered by Mr. Rodino, the alleged drugging of Mr. Schlam was under examination by the Justice Department, the Federal Bureau of Investigation and the Suffolk County police.

Question about the allegation arose after Good Samaritan Hospital in West Islip, L.I., initially reported the case as a drug overdose and a short time later informed the police that the initial report was incorrect and that the case was one of extreme exhaustion.

However, Judge Edward R. Neaheer, the former United States Attorney for the Eastern District, who was presiding at Mr. Roncallo's trial, was informed by the prosecutor who succeeded Mr. Schlam that Mr. Schlam had been drugged and had been a victim of "foul play."

These assertions were made to Judge Neaheer on May 10, the day after the alleged drugging, by Thomas P. Puccio, the chief of the criminal division in the United States Attorney's office for the Eastern District. He is also Mr. Schlam's roommate.

'Foul Play' Charged

According to a transcript of Mr. Puccio's statements before Judge Neaheer on May 10 in the Federal District Court Annex in Westbury, L.I., where the trial of Mr. Roncallo was held: "All investigations have shown that Mr. Schlam voluntarily never has taken any drugs, as we all suspected, and that the F.B.I. is now convinced, that the—his sickness—was the result of foul play."

Mr. Puccio told the judge that Edward J. Boyd 5th, then the Acting United States Attorney for the Eastern District, had ordered the Federal Bureau of Investigation to conduct "a full-blown investigation."

But the F.B.I. office in Manhattan said subsequently that it was "following the matter" at the request of Mr. Boyd and

"on alert and standing by" for any instructions that might emanate from the United States Attorney's office.

A spokesman said that the F.B.I. customarily instituted investigations on request from the United States Attorneys office or independently when evidence was brought to its attention that a Federal law has been violated.

Yesterday the spokesman said, "In this case, neither of these have occurred."

Despite this statement, David G. Trager, who succeeded Mr. Boyd as the United States Attorney, said yesterday "it was obvious" that both the F.B.I. and the Justice Department were investigating.

The goal of the investigation by the F.B.I. and the Justice Department, he said, is "to end this business once and for all."

Mr. Trager declined to comment when asked if he believed Mr. Schlam to be the victim of foul play. He also declined to comment when asked if he believed Mr. Schlam to be the victim of a crime. And he declined comment when asked if the investigation involved the possibility that someone with hostile intent had tried to drug Mr. Schlam.

Mr. Trager also declined comment when asked about the possibility that the alleged drugs had been administered by Mr. Schlam's father, a doctor, Isaac Schlam.

In Washington, a source close

to the Justice Department inquiry said no determination had been made of whether the alleged drugging had been accidental or purposeful.

"We don't know," the source said. "At this point nobody knows precisely what happened or where the truth lies. In two weeks we may know."

Asked about the statements in court that "foul play" had been involved, the source said: "There were some people convinced at the time that somebody slipped it to him."

He said this assessment was based on these individuals knowing Mr. Schlam "very closely, his pattern of past behavior and his own statements."

A clerk working in the Westbury courthouse said an investigator had inquired about who had filled the water pitchers in the courtroom.

Cooperation Urged

Yesterday the Suffolk County police said they would "talk to Federal investigative authorities" in the next few days in an effort to resolve the conflicts in the case.

"As of today," a spokesman said, "we are not contemplating issuing a summons or any grand-jury action. If everyone will cooperate as quickly as possible, we will complete this in a proper fashion."

The spokesman said that the Suffolk County Police Commissioner, Eugene R. Kelley, had

spoken by telephone with a lawyer representing Good Samaritan Hospital.

Mr. Kelley said on Tuesday that an investigation by his detectives had disclosed that Edward J. Peterson, the hospital administrator, had said that Mr. Schlam's records had been ordered sealed by the former United States Attorney, Mr. Boyd.

Yesterday a spokesman for the hospital said: "In good faith, the officials of Good Samaritan Hospital acted upon a request from Federal marshals to refer all queries about a Mr. Schlam to the United States Attorney's office for the Eastern District.

"The records of this case were sealed under orders of the hospital to protect the confidentiality of the situation, so that no unauthorized person had access to that file unless it was for a legitimate reason.

"We have just instructed the Suffolk County Police Department that the records are available, subject to a subpoena."

The spokesman added: "To date no one has requested the records by these means."

'Confusion Reigns'

A spokesman for Commissioner Kelley, said the situation was "very cloudy now and confusion reigns." He said that "before the Commissioner would consider subpoenaing the hospital records, he would prefer to talk to hospital authorities."

He added that the police would ask, probably today, that the County Medical Examiner, Dr. Sidney Weinberg, show the Commissioner the records of an examination of Mr. Schlam made on May 10.

Dr. Weinberg has acknowledged that his office made tests on Mr. Schlam's body chemistry, but he has said he was ordered by the United States Attorney's office and the F.B.I. not to disclose the results.

The alleged drugging of Mr. Schlam, who is now on vacation in Florida, took place at a time when—in the opinion of observers—the Government's case against Mr. Roncallo was going poorly.

During the trial, lawyers for the defense charged repeatedly that the Government was trying to stall prosecution of the case because it did not have sufficient evidence against Mr. Roncallo, a Republican representing the Third Congressional District in Nassau and Suffolk Counties, and a

co-defendant.

Roncallo Asks Inquiry

After his acquittal, Mr. Roncallo took the floor of the House of Representatives to demand that the prosecution's "Gestapo tactics" be investigated by the House Judiciary Committee.

Protected by Congressional immunity, he asserted that Mr. Boyd "did not have a case against me." He said that "they were not out to convict a Congressman—just to ruin him."

He also charged that his indictment had actually been set in type by Newsday the day before it was handed down. "I had always been under the impression that grand-jury proceedings were inviolate," he said.

In announcing Mr. Rodino's actions, yesterday, Mr. Roncallo's office said that what he called the "staff task force" would also consider the general subject of Federal grand-jury reform.

Following the alleged drugging May 9, Mr. Schlam did not return to court until Monday, May 13. He was under constant guard by United States marshals and participated in the trial from time to time until Mr. Roncallo was acquitted on May 17.

Judge Received Call

In an interview on May 11, during which he recalled how he had received word of the alleged drugging, Judge Neaher said:

"I was leaving my home in Garden City to pick up my law clerk when I received a telephone call from Assistant United States Attorney Thomas Puccio. Mr. Puccio told me that for about an hour he had been having trouble arousing Mr. Schlam, with whom he shared an apartment.

"He said that Mr. Schlam was drowsy and nauseous, and he did not think that Mr. Schlam would be able to appear at the trial that morning. Mr. Puccio said, I believe, that

he had asked Robert Katzberg, the assistant United States attorney who had been working on the trial with Mr. Schlam, to come over to the apartment."

Judge Neaher went on: "I asked Mr. Puccio whether it was possible that Mr. Schlam had taken a sleeping pill, because he had looked very fa-

tigued to me Wednesday night. Mr. Puccio said, 'No, that wasn't it.' He said that Mr. Schlam was throwing up, and he didn't know what was wrong."

Judge Neaher then said that he had told Mr. Puccio that he did not want to delay the trial and that an assistant prosecutor should take over.