

Top Driver Testifies in Trot Inquiry

Mineola—Robert Farrington, the nation's leading harness-racing driver in four of the last five years, testified yesterday before the Nassau County grand jury investigating reports of fixed races at Roosevelt Raceway.

District Attorney Cahn, who reported Farrington's appearance, declined to say why the driver had been called. Cahn said that seven other drivers also appeared yesterday, but would name only three, Forest Gerry Jr. and Robert Shuttleworth, who have been denied racing licenses this year the State Harness Racing Commission, and Clifford Boyd. Cahn said that a total of 16 witnesses had been subpoenaed for appearances yesterday.

Farrington, of Chicago, has won more than 300 races a year for the past three years, and has been driving at Yonkers this season.

Among the other witnesses called were Thomas McClethan, 32, of Vernon, N.Y., who is free on \$20,000 bail as a material witness in the investigation. McClethan asked for time to consult a lawyer and was

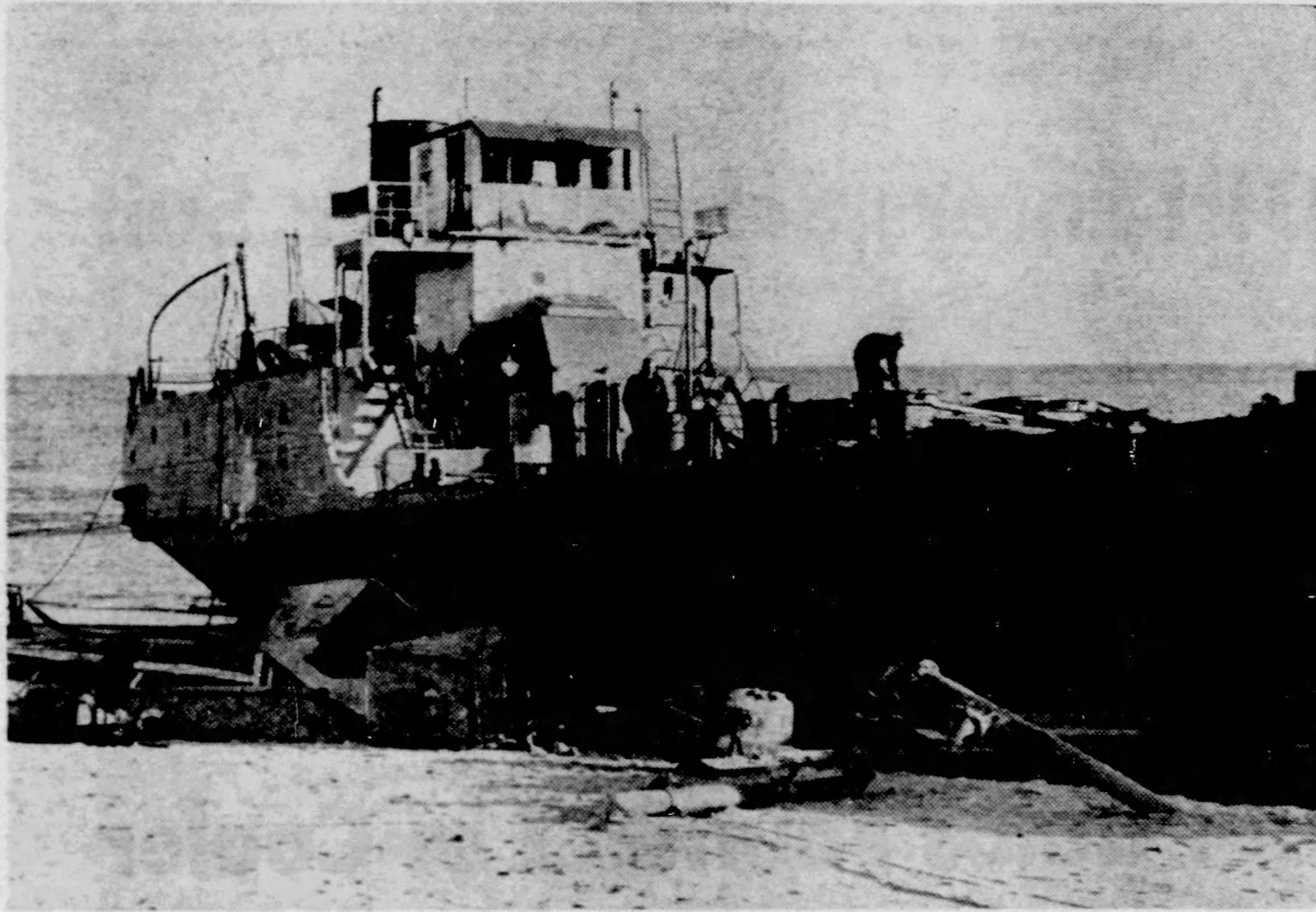
excused by the jury until Feb. 24. In an interview outside court, he denied ever having told Manhattan authorities that the Dec. 10, 1965, twin-double race at Roosevelt was fixed or that Gerry, of Hempstead, was his partner in the \$14,906 winning double ticket on that date. McClethan identified the parties as Robert Henke, 39, of Elmsford, N.Y. Henke acknowledged that he had been McClethan's partner in the ticket and also said he occasionally has worked for Gerry as a groom. He would not say if he had worked for Gerry on Dec. 10, 1965. Gerry did not race on that day.

McClethan was held Tuesday as a material witness after Assistant District Attorney Norman J. Levy, head of Cahn's Rackets Bureau, said in court that McClethan had informed Manhattan Assistant District Attorney Michael Metzger of the allegedly fixed races. Levy also had said that McClethan told Metzger that Gerry had a \$5,000 share in the \$14,906 twin-double ticket and that McClethan said he never paid Gerry his share and that

subsequently McClethan's family was threatened. Metzger could not be reached for comment yesterday.

In another development, Shuttleworth refused yesterday to turn over to the grand jury his personal financial records unless Levy would guarantee their return the same day. County Court Judge James L. Dowsey Jr., after an hour-long closed hearing in his chambers, ordered Shuttleworth to leave the records with the jury, which he did. His lawyer, Herbert W. Sterenfeld of Manhattan, told reporters, "He (Shuttleworth) will not even be able to write a check to feed his family." Among the records requested was Shuttleworth's personal checkbook.

Meanwhile, Henke's attorney, George Marfeo of Bronxville, charged outside court that Cahn's detectives had illegally taken Henke from his home at 6 AM last Tuesday, driven him to the district attorney's office here and had him photographed against his will. Marfeo said Henke protested that the detectives had no warrant. Marfeo said Henke was released at 11 AM.



Newsday Photo by Sentz

LAST PORT. Workmen continue cutting up the 189-foot oil tanker Passaic Sun yesterday so she can be removed from the beach at the foot of 125th Street in Belle Harbor, Queens, where she ran aground Dec. 29 during a storm. Parts of the once sea-going vessel lie in the sand, waiting to be hauled away as scrap metal.

Rider Stood Up by the LIRR Is Put Down for \$5 by Judge

By Joe Demma and John Cummings

Commack—The court calendar called it "the people vs. Stelljes." The defendant said it was Stelljes vs. the Long Island Rail Road. And the judge said: Guilty, \$5.

Thus lawyer Arthur Stelljes of Huntington, commuter, defendant and defense attorney, learned yesterday that he also must pay who only stands and shivers. But First District Court Judge William L. Underwood's levy of the \$5 fine, the maximum for failing to pay a train fare, left Stelljes more determined than ever. "I shall appeal," he said.

It was not that he was evading paying his fare,

Mediator to Enter LIRR Talks on Wed.

New York—A federal mediator will enter the stalemated contract talks Wednesday between the Long Island Rail Road and the Brotherhood of Railroad Trainmen, according to Thomas Tracy, secretary of the National Mediation Board.

Tracy said yesterday that he did not know who the mediator would be. Earlier this week, the mediation board cut off a threatened strike, to be called at 4 AM today, for at least 30 days when it agreed to enter the talks at the LIRR's request.

The union is asking a 20 per cent pay increase. If the mediator fails to resolve the differences, a 30-day cooling-off period would follow before a strike could be called.

Stelljes asserted as he defended himself yesterday in the two-hour, non-jury trial. It was just that he shouldn't have been expected to pay a coach fare while being forced to stand in freezing temperatures in the vestibule between cars that cold night of Jan. 9 as his train left Jamaica. And because of that, he said, he refused to hand over his ticket to conductor Raymond Grote. Stelljes was arrested when he arrived at Huntington.

Yesterday Stelljes called the LIRR's sales promotion manager, Eugene Heissenbittel of Floral Park, to the stand and attempted to establish that he had not been treated in accordance with the advertising slogan which tells people they can "travel easy on the Long Island Rail Road." In response to questioning, Heissenbittel acknowledged that none of the LIRR's ads show people standing.

Later, in summing up, Stelljes of 91 Teed St., Huntington, said that a ticket carries the implied right to a seat. And in asking for a dismissal he added: "I was not seeking not to pay. I was importing them to make an adjustment. I had paid the fare." Grote testified that he attempted to have Stelljes arrested at the Syosset station but no police were available.

Underwood, in finding Stelljes guilty said: "Although it is the duty of the carrier to furnish seats and transportation, if a passenger declines to pay, he should leave the train. His failure to leave was prima facie evidence that he did not have a ticket, or if he did, he did not intend to use it at that time."

Jury Charges Julie Klein In Perjury Case

By Tom Renner

Riverhead—A traffic ticket given to ex-convict Julius (Julie) Klein last April by a Suffolk detective led to a 17-count perjury indictment yesterday that could result in fines of \$67,000 and 67 years in jail.

The indictment was returned by the same grand jury that heard the Babylon builder charge Tuesday that he was the object of a "witchhunt" by the district attorney's office. Klein, who is scheduled to be booked and arraigned on 13-felony and four misdemeanor counts of perjury Monday, could not be reached for comment.

The evidence given to the jury reportedly included affidavits from Florida sportsmen and property owners, state records from Florida and the New York State Motor Vehicle Department and bills and statements from utility companies and banks. All reportedly show that Klein never was a resident of Florida, that he obtained a Florida driver's license illegally and through false statements, and is a resident of 59 Cadman Ave., Babylon.

The alleged perjury stems from Klein's testimony at three traffic trials that took place May 17 in Babylon, Oct. 27 in Patchogue and Dec. 13 in Lindenhurst. At all three trials, Klein said he was a resident of Florida, traveled frequently to Florida, maintained a home in Florida and that the home at 59 Cadman Ave., was his wife's, not his. Klein reiterated that testimony Tuesday when he appeared, without immunity, before the grand jury.

The jury's action was denounced by Klein's attorney, Jacob Bendersky of Amityville. "They (police) devoted a lot of time, effort and money investigating traffic tickets," he said. "It's particularly interesting that this should take place on the eve of Julie's trial (for allegedly misappropriating \$55,000 from the Fort Neck Drainage Co.)." He said the indictment would give added weight to his demand to move the location of the trial because of publicity.

But while the indictment drew criticism from Bendersky, it was a source of satisfaction to Suffolk Det. Donald Frank. Frank gave Klein a ticket April 18 on charges of speeding and driving without a license. It was also Frank who, when he gave Klein four other tickets last Oct. 27 for other alleged traffic violations reported to his superiors that Klein had told him: "I'll take care of you. You bought yourself a short life."

Though reportedly threatened, Frank took no action, which led to criticism by friends and some fellow officers. Even Bendersky commented at the time: "If he (Klein) told me what he told him (Frank), I would have taken him outside with a bat." Yesterday Frank's commander, Det. Capt. David Prince, explained his man's lack of action: "Don was under orders to do nothing to jeopardize the investigation (of perjury). Because he controlled himself, we were able to gather the evidence needed."

Delay in Sonny's Trial

Special to Newsday

Albany—The jury at the trial of Cosa Nostra underboss John (Sonny) Franzese was excused yesterday to permit members of the defense and prosecution to argue legal points concerning the controversial testimony given Thursday by a convicted bank robber.

The testimony was offered by James Joseph Smith, a convicted gunman in four bank robberies that the government alleges were masterminded by Franzese and four co-defendants in the trial. Under cross-examination by Franzese's attorney, Maurice Edelbaum, Smith admitted that he would not hesitate to lie on the witness stand to keep himself from going to jail.

After the jury had been dismissed, Judge Jacob Mishler heard arguments from both sides dealing with Smith's statement. Edelbaum has stressed that Smith said one thing a bank robbery trial last year of Anthony Polisi, and then said another thing to government agents after the trial. Mishler recessed the Franzese trial until Tuesday.