

Army Blocks Plans for Park At Sands Point

By Dick Zander and Thomas Collins

The U.S. Defense Department has placed an unexpected roadblock in the way of Nassau County's plans to develop a 250-acre Sands Point cultural and recreational preserve by declaring that it intends to hold on to almost two-thirds of the property for possible use as an antiballistic missile site.

The Defense Department said the Army wants to retain the 160-acre tract that formerly was occupied by the Naval Training Devices Center at Sands Point, it was learned yesterday. The county has been seeking to acquire the property from the federal government for use as a park and eventually link it to the 90-acre estate of Harry F. Guggenheim, who plans to leave the property to the county on his death for a recreational and cultural center.

County Executive Nickerson said he has asked Rep. Lester Wolff (D-Kensington) "to look into this and let me know what the situation is." Nickerson said: "I don't know enough about the national significance of Nike X (the missiles being considered for the site) and what the alternatives are." He added: "We recognize there are national problems and we don't think we should speak off the cuff." North Hempstead Supervisor Sol Wachtler, who, with Nickerson and Sands Point Mayor David S. Kane, announced the Guggenheim gift Monday, said he was surprised by the Defense Department's position, but added that "there is no greater priority than the need for national defense." Kane could not be reached for comment.

Deputy Nassau Public Works Commissioner Robert Gamble said that plans for the preserve include a museum, conference center, arboretum and riding academy on the Guggenheim estate. A marine biology center, conservation education center and a group camping site are planned for the federal land. If the federal acreage were not available, Gamble said, plans for the park using the estate alone would have to be drawn with Guggenheim's approval. Whether or not the county can get the federal facility, he said, "we're very much interested in the (Guggenheim) land."

The Defense Department asked the General Services Administration (GSA), which disposes of federal surplus property, to hold the 160-acre site last week "contingent upon possible future military utilization of the property," according to William H. Point, director of real property management for the Defense Department. He said: "The land is being held as a possible site for the air defense of New York City."

Point said that federal land was being held elsewhere, too, as possible sites for installation of Nike X antiballistic missiles. The missile systems consist of a group of electronically controlled radar, computers and missiles—the Zeus, which is designed to intercept attacking missiles outside the atmosphere, and the Sprint, a high-acceleration missile designed to intercept missiles inside the atmosphere. The systems are still in the research and development stage. The U.S. is attempting to arrange talks with the Russians to halt the deployment of antiballistic missile systems. "We do not want to get in the position of giving up the land and then having to buy it back," Point said.

It could not be determined how long the Defense Department claim on the land would last. Point said that the GSA has been asked to reserve the property for possible Army bases, allowing only one-year leases until a decision is reached on whether to deploy the missiles. Informed of the county's proposal to eventually develop the 250-acre site, north of Middle Neck Road, into the Guggenheim Preserve, Point said: "If they were planning on developing (the 160 acres), any development would have to be held up."

Guggenheim, who is president and editor-in-chief of Newsday, offered his Sands Point estate, Falaise, including its manor house and art treasures, to the county for the use of future generations upon his death.



INSIDE LOOK. Rep. Ken Hechler (D-W.Va.) crawls yesterday from spacecraft, a sister ship of Apollo 1, after entering for a briefing from astronaut Frank Borman at Cape Kennedy, Fla. Hechler is a member of the House subcommittee investigating the Apollo 1 fire that killed astronauts Virgil I. Grissom, Edward H. White and Roger B. Chaffee. Man at left is not identified.

Powell Delays Claim To His House Seat

Washington (AP)—Adam Clayton Powell has delayed a new showdown over his House seat, a fight that headcounts indicate he again would lose, by deciding to await further court action before trying to claim his new election certificate.

Sources reported here yesterday the excluded Harlem Democrat made his decision after being advised by an emissary of the House leadership that he again would be excluded from membership if a new attempt were made to seat him. Powell was ousted from the House March 1 and subsequently filed suit to overturn the action. A U.S. District Court threw out his suit, but Powell appealed and the Court of Appeals has scheduled arguments for Thursday. After filing the suit, the preacher-politician overwhelmingly was elected to fill the House vacancy created by his exclusion.

Expected Quick Ruling

A key factor in Powell's decision, sources said, was the expectation that the appeals court would rule quickly. The district court acted three days after holding a hearing. Sources indicated that, should the appeals court make clear it is in no hurry to act, Powell might change his plans. Powell's attorneys hope either to win in the appeals court or have the appeals court ask the U.S. Supreme Court to rule on the matter.

The House leadership reached the conclusion Powell again would be barred from seating after conducting a headcount of members it thought might switch their votes from March 1. But the count reportedly showed switches in both directions, with little net change. The leadership view of the situation then was communicated to Powell by Rep. Charles C. Diggs (D-Mich.), like Powell, a Negro. Diggs and Frank Reeves, one of Powell's lawyers, flew to the Harlemite's Bahamian island retreat of Bomini.

Election Certificate

The certificate of election from Powell's April 11 victory is expected to reach Washington sometime next week after completion of formalities in New York. But Powell plans no immediate effort to claim it.

One thought behind the decision to await appeals court action is the belief of at least some of Powell's attorneys that an appeals court decision, or one by the Supreme Court, to overturn the House action might provide a way out of the legal thicket posed by the situation. Their feeling is that, although a number of court opponents would seize the opportunity to sound off against what they consider encroachment on congressional authority, a majority would in the end back the courts.

Franzese Witnesses Get Light Terms

Brooklyn—A federal judge gave light sentences to three former associates of Long Island Cosa Nostra leader John (Sonny) Franzese and a suspended sentence to a fourth yesterday after a federal prosecutor had asked that they all be freed because their testimony had helped convict Franzese on bank robbery charges.

Assistant U.S. Attorney Michael Gillen, who prosecuted the Franzese case, had urged that the men be set free because if they went to prison their lives would be in danger from attempts at retribution by prison inmates who were Cosa Nostra members. But Judge Jacob Mishler disagreed that the men would be in danger in prison and said he thought a prison term might benefit them if they could learn a trade.

The men had pleaded guilty to charges of bank robbery and could have received maximum sentences of 50 years instead of the five, three of them received.

A 50-year term and a \$20,000 fine were imposed on Franzese April 14 in the same court. He is currently free on \$150,000 bail pending an appeal.

Sentenced to five years yesterday were James Smith,

32, whose address was given as 399 Central Ave., Brooklyn; Richard Parks, 34, whose address was given as 39-06 114th St., Corona, Queens; and John (Blue Boy) Cordero, 33, whose address was given as 29 Sky Edge Dr., Bethel, Conn. Charles Zaher, 23, whose address was given as 96-06 Jamaica Ave., Woodhaven, Queens, received a suspended sentence with five years' probation.

Gillen argued that "because of their testifying against criminals in the upper echelons of the Mafia . . . I know of no jail in which they could be placed with safety."

"By placing their lives in jeopardy and assisting the government, they have earned another chance in society," Gillen said. He also urged leniency on the grounds that it would encourage other Cosa Nostra informants to testify in court.

But Mishler, after noting that such a plea by a federal attorney was very unusual, said, "I don't agree that prison is an unsafe place for you. The last person who would want anything to happen to you is Franzese . . . He should be on his knees every night praying that nothing happens to you." This was an apparent reference to the

discretion which correction authorities have to take into account any harm to the prosecution witnesses in determining how much of Franzese's sentence he will be made to serve. The men would be eligible for parole after one year and eight months.

Mishler said he was giving Zaher a suspended sentence because he had not been involved with the Franzese gang as long as the others. Zaher's lawyer also noted that his client was skilled as a welder and could find work. Zaher smiled broadly and said of the sentence, "It's extremely fair." The men all pleaded guilty to charges that they robbed \$13,264 from the County Federal Savings and Loan Association at 75-21 Main St., Kew Gardens, on July 30, 1965.

Franzese, of 47 Shrub Hollow Rd., Roslyn, still faces murder charges in Queens and robbery charges in Nassau. The trial on charges of murdering Ernest (The Hawk) Rupolo is to open May 15. Queens District Attorney Thomas J. Mackell, who was in court yesterday to observe the sentencing, said he expected to call the same four witnesses to testify in the murder trial.