

## STATE BRIEFS

### Body Of Drowned Boy Found

KEESEVILLE, N.Y. (AP) — The body of a 9-year-old boy was found this morning in the Ausable River, not far from where he fell in while playing Sunday afternoon, police said.

Officers in a state police helicopter spotted Curtis Gregory's body just before 8:30 a.m. near the western bank of the Ausable.

Clinton County Coroner Steven Gluck ordered the Keeseville boy's body removed to the Champlain Valley-Physicians' Hospital in Plattsburgh, where an autopsy was to be performed later today.

According to Trooper Robert Benedict, the victim and another 9-year-old were playing about 3:30 p.m. Sunday around the logs and other debris that washed ashore at Riverside Park in Keeseville. When Gregory fell in, Benedict said, his playmate sought help at a nearby convenience store.

### Hunter Drowns In Long Lake

LONG LAKE, N.Y. (AP) — A hunter who died this weekend apparently drowned after a wave capsized the boat he was riding in on Long Lake, state police said.

State police in Ray Brook said Robert J. Brown, 54, of Walton, died Saturday morning. An autopsy was performed Sunday, police said.

Trooper Molly Nichols said Brown was part of a three-man hunting party going north by boat when the craft was swamped by a wave about 10:30 a.m.

Nichols said Brown, his son, Edward, and Scott McGonigle, all of Walton, were holding on to the boat when waves caused it to roll over, trapping Brown underneath.

Edward Brown found his father under the boat about five minutes later and swam to shore with him, said state police dispatcher Ann Lynch.

### Man Charged In Machete Death

SYRACUSE, N.Y. (AP) — A man accused of using a machete to stab a woman to death is scheduled to be arraigned this morning on a charge of second-degree murder, police said.

Syracuse police said Robert Kevin Mosher, 25, of Syracuse, was arrested Sunday in the stabbing death of 29-year-old Cynthia Jefferson on a Syracuse street Saturday afternoon. Jefferson died later at University Hospital. It was the second stabbing death in as many days in the central New York city.

Police said Mosher and Jefferson were seeing each other and investigators suspect a domestic problem was the reason for the stabbing.

Early Saturday morning, police arrested a suspect in Friday's stabbing death of a 55-year-old Syracuse man who was killed during a fight over drugs.

### 1st NYC Special Olympics Held

NEW YORK (AP) — The first city-wide Special Olympics tournament was held at Manhattan College, with 600 children and adults from the five boroughs taking part.

"This is the first city-wide Special Olympics," said Mark Curran, a spokesman for the tournament. "If it is successful we hope to get other cities involved in the program."

The athletes, all with some form of mental retardation, competed Sunday in five sports: basketball, swimming, volleyball, power lifting and track and field, according to Curran.

"This a tremendous effort and we can all learn from this," Mayor-elect David Dinkins said to a crowd of 3,000 spectators and celebrities during the opening ceremonies in the Draddy Gymnasium at 242nd Street and Broadway in the Bronx.

"But what I am really here for, is to declare the 1989 Metro Special Olympics officially open," Dinkins added.

On stage with Dinkins were noted personalities such as actress Lauren Bacall, Eunice Kennedy Shriver and her husband, Sargent Shriver. Mrs. Shriver is chairman of the Special Olympics International and her husband is president.

### Dinkins Says Arrest Pro-Lifers

NEW YORK (AP) — Mayor-elect David Dinkins told more than 150,000 pro-choice demonstrators in Washington that anti-abortion activists who try to block women from clinics will be prosecuted, published reports said.

"Let me be clear. When I become mayor of New York City, people will respect the law, obey the law, or they will be prosecuted; they will be punished," he told cheering demonstrators Sunday at the Lincoln Memorial, according to New York Newsday and the Daily News.

He promised that New York City would pay for poor women's abortions if federal funds for abortion are cut off.

Dinkins credited the pro-choice vote with his victory in last Tuesday's mayoral election. The Democratic candidate was pro-choice from the beginning of the campaign, Republican candidate Rudolph Giuliani started the campaign with a middle position on the issue, but declared himself pro-choice before the campaign was through.

### NASA Studying Big Bang Effect

LOS ANGELES (AP) — NASA this month plans to embark on a \$400 million mission during which a satellite will study radiation left from the "big bang," the 15-billion-year-old blast that scientists say created the universe.

The space agency hopes the launch will produce the most comprehensive observations ever of the early universe and the processes that shaped it to form stars and galaxies.

The \$150 million Cosmic Background Explorer, a 16-by-28-foot satellite, will be boosted into orbit 569 miles above Earth by NASA's last unmanned rocket, said George Diller, an agency spokesman.

The Vandenberg Air Force Base launch had been scheduled for Friday but has been delayed until at least Nov. 19 to replace a malfunctioning guidance computer on the two-stage Delta rocket.

### Leukemia Victim Gets His Wish

NEW YORK (AP) — A 4-year-old leukemia sufferer whose father yanked him out of a Manhattan hospital earlier this year, prompting a court-ordered manhunt, shyly kissed the cheek of entertainer Michael Jackson.

The little boy, Darian Pagan of Brooklyn, and his family spent Saturday evening at a circus in Santa Monica, Calif., with Jackson, 31, courtesy of a Long Island-based charity, New York Newsday said in today's editions.

Jackson, 31, his shoulder-length hair in curls, wore a black hat and a black jacket with black-sequined cuffs and epaulets.

"He's shy, just like me," said the reclusive entertainer. "It makes me proud that this is his dream. I'm happy to fulfill it."

A team of Canadian acrobats flew overhead as Darian stared, clutching a glowing green wand.

"It's part of my gift to make everybody happy and to bring joy to everyone, especially children like this," Jackson said. "My dream is to do a tour and see all the world's children, all the hungry kids. Imagine that," he told Newsday.

The child at first looked at Jackson warily, but warmed up to a slow smile, Newsday said, then surprised his parents by kissing him.

David and Migdalia Pagan had worried that the moody boy might wallop the musician instead.

"Just seeing his reaction made my day," Pagan said later, holding his sleeping son after Jackson left with two shaved-head bodyguards.

Mrs. Pagan was jailed for two nights after her husband plucked Darian on May 28 from Memorial Sloan-Kettering Cancer Center, where he was undergoing court-ordered treatment for leukemia.

The father and son disappeared, and Family Court Judge Leon Deutsch jailed Mrs. Pagan for contempt of court, believing she knew where they were. Pagan brought the leukemia victim back four days later, when he received a suspended 10-day sentence and Mrs. Pagan was freed.

The Pagans said they feared that the extreme chemotherapy prescribed by hospital directors might damage Darian's brain and cause pain. Now Darian gets a less rigorous chemotherapy at Maimonides Hospital in Brooklyn, which also is closer to his Bay Ridge home.

When officials from the charity, Wish is Granted, called, Mrs. Pagan turned down offers of a bedroom set or a Nintendo game, she recalled. "He wants to meet Michael Jackson," she told them.

### Hudson Falls Incinerator Battle

## Citizens Sued For Challenging

By ELIZABETH EDWARDS EN  
Associated Press Writer  
ARGYLE, N.Y. (AP) — Jeanne Sharp, whose ancestors have lived and farmed in this rural New York community since before the American Revolution, is learning a hard lesson about rebellion — governments often fight back.

Sharp and more than 300 others are being sued by local lawmakers because they sued in an attempt to block construction of a garbage incinerator.

"I've been thinking a lot about Ethan Allen," Sharp, 58, said recently. "I have some idea of what my ancestors went through to get here. If they can put up with it, so can I."

Looking out her window, Sharp watched a great blue heron land near a pond on her 76-acre tree farm not far from where the Revolutionary War Battle of Saratoga was fought.

A garbage incinerator being built in Hudson Falls, about 40 miles north of Albany, is at the center of the latest battle waged on the fertile soil of Washington County, where residents like to say there's a dairy farm for every day of the year.

Last year, a group of citizens sued Washington County and adjoining Warren County over the in-

cinerator, which had been approved by local lawmakers to burn garbage for both counties. The citizens charged that approval came without a proper public hearing.

The counties and their industrial development agency countersued, seeking \$1.5 million in damages and naming 320 plaintiffs, most of them Washington County residents. Washington County later dropped out of the suit, but Warren County and the IDA remain.

The citizens, recognizable around the county by the bright orange "PLAINTIFF" bumperstickers they've affixed to the back of their cars, say the countersuit was filed to harass them into dropping their lawsuit.

Environmentalists say the lawsuit could have national implications for other citizens action groups that turn to the courts to challenge controversial projects.

The environmental movement even has a name for this kind of case — SLAPP suit, or Strategic Lawsuit Against Public Participation.

"It's a strategy to hush people up and stop them from speaking out," said Lois Gibbs, the former Niagara Falls housewife who led the fight against the Love Canal toxic dump and now runs the Virginia-based

Citizens Clearinghouse for Hazardous Waste.

"This case stands out as the only one of its kind that I know of where government chooses to sue its own people," said Will Collette, Citizens Clearinghouse's SLAPP suit expert.

Other SLAPP suits, which Collette calls "legal terrorism," have been brought across the country by private companies involved in the projects.

"The idea is to squash the opposition," he said.

In Washington County, some supervisors told people they might lose their homes or cars as a result of the countersuit, the plaintiffs claim.

"They're trying to harass us and intimidate us down to a handful of manageable troublemakers," said Melody Brown, who admits to being one of the more vocal plant opponents being sued.

The countersuit claims the citizens' lawsuit was frivolous and that actions by the incinerator opponents, during the sale of bonds for the project, cost the counties \$1.5 million.

Benjamin Pratt, a Glens Falls lawyer who represents the counties and IDA in the lawsuit, wouldn't say exactly what the citizens did to hurt the bond sale.

"At the original closing date for the bond sale, there were committed purchasers" for the bonds, said Pratt. "As the result of the activities of the citizens, those contracts were abrogated, it was necessary to enter into new contracts, and passage of time and a change in the market brought a \$1.5 million loss."

That loss increased the cost of the project, and in turn will increase the cost of using the incinerator for both counties, he said.

Now the incinerator opponents want to add more litigation to the fray — a federal civil rights lawsuit in response to the lawsuit against them. They've hired an Atlanta-based civil rights lawyer.

"The First Amendment to the Constitution gives all of us the right to freedom of speech, freedom of association and the right to petition government for redress of grievances," said the lawyer, Robert Remar. "When a government seeks to basically punish the citizens for having exercised those rights, that's a violation of the Constitution."

Pratt said the counterclaim doesn't violate anyone's civil rights.

"They have the right to speak with respect to the proceedings and actions being taken by the government," said Pratt. "They have a right to sue their government if they feel that something is done improperly. But they don't have the right to perform in such a fashion that they interfere with the contractual rights that the government has with third parties and cause a \$1.5 million loss."

Collette said that people who bring SLAPP suits don't expect to win them.

"They all get dropped. They never go to trial," he said. "Warren County has no expectation of winning its case."

Hammond Robertson, chairman of the Warren County Board of Supervisors, said he supports the counterclaim, as has a majority of that board every time someone moves to drop it.

"I have to recognize that people have some strong feelings on this issue," said Robertson. "But there are 110,000 people in these two counties. We have some obligation to the other 100,000 people."

While the lawsuits go on, excavation is nearing completion at the plant site next to the Hudson River.

The progress worries Walt Perry, a Washington County supervisor, dairy farmer and incinerator opponent.

"The further it progresses, the harder it's going to be to stop it," he said.

## Dad's Will Gives \$500Gs To Museum, Son To Fight

BUFFALO (AP) — A man whose father bequeathed him \$10 while giving most of his \$500,000 estate to a Swedish art museum can challenge the father's will, a judge has ruled.

Errie County Surrogate Joseph Mattina ruled Friday that Donald Gambee can file a claim on his father's estate even though Gambee was adopted by his stepfather after his mother remarried.

Mattina cited a 1987 change in state law that allows adopted children to make claims on their natural parents' estates. Before the change, adoptees had no claim on the estates of their natural parents other than money specifically left to them in a will.

The change gives Gambee the right to try to claim the complete estate of Buffalo carpenter Donald

Rockman, who died in 1988. Rockman and Gambee's mother, Lois, annulled their 3-year-old marriage in 1955. Mrs. Rockman married William Gambee, who adopted her son Donald in 1965. Rockman, never remarried.

After Gambee turned 18 in 1971, he and his late father "were in regular contact," according to Gambee's attorney, Edward Markarian.

Rockman's will, written in 1976, left \$10 to Gambee and \$500 to a Buffalo church. The rest of his \$500,000 estate was left to the National Art Museum of Stockholm.

Rockman was not Swedish, and his relatives and friends said he had never been to Sweden and did not know anyone from Sweden. The will leaves no explanation for the bequest, but directs that the money be used only for maintenance and

repair of the museum's building.

One of Rockman's cousins said Rockman talked to him about leaving his money to the museum for almost 26 years. He said Rockman admired Sweden because it was a neutral country and said he didn't want his money to go to a country that went to war.

Gambee began the lawsuit seeking to challenge the will in May, shortly after officials of the Stockholm museum learned of the bequest and began pressing the court for the money.

Mattina's ruling means Gambee can now question people who witnessed his father's drafting and signing of the will "to see if he had the right state of mind at the time," Markarian said.

## NY Environmentalists Want More Meetings About Toxics

By RON LESKO  
Associated Press Writer  
NIAGARA FALLS, N.Y. (AP) — Calling for cooperation to battle "the system," environmentalists and labor leaders expressed hope that the first statewide labor and environment conference on toxic substances will not be the last.

"This is a historic meeting," said Anthony Mazzone, financial secretary of the Oil, Chemical and Atomic Workers Union. "The type of message that can echo out of this hall is important. I know Niagara Falls will be the place where the world began to change."

Lois Gibbs, the leader of a Washington-based environmental group, said she is hopeful similar conferences will be held in other areas affected by toxic chemicals.

"I would love to see this happen in communities in industrial areas across the nation," she said.

On the final day of the three-day conference Gibbs told the approximately 100 participants that the interests of workers and the community are the same.

"They (government and the chemical industry) know how much you folks know and they don't want us to join together," said Gibbs, a former resident of the chemically contaminated Love Canal neighborhood in Niagara Falls and now director of the Citizen's Clearinghouse for Hazardous Waste.

"They divide us and they have been successful up until this conference," she said Sunday.

Gibbs charged that the government and the chemical industry intentionally try to position workers and the community against one another.

Their efforts have been successful, but the time has come for the groups to realize their objectives are the same, she said.

"You work in a system in which they try to control you," Gibbs said. "As long as you play by those rules you will lose."

"Don't look at the folks in the community as your opponents, they're your supporters," she said.

During a demonstration Saturday night Gibbs and Roger Cook, president of the Ecumenical Task Force, charged government officials with caring in to pressure from chemical companies. They stressed the need for reform in the government's attitude toward toxic waste.

Gibbs criticized Gov. Mario Cuomo for his apparent refusal to take a position on the issue of toxic substances.

"He never makes a statement," Gibbs said. "Whereas other govern-

ments, this governor has never taken a position. And that makes me angry."

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