

Political Burglar's Court Victory

Burglaries

A man named by political burglar Jerome Ducote, an accomplice in a number of subsequent burglaries in the late 1960s, was arrested in San Jose yesterday on four counts of burglary.

He is Henry Spiering, described as being in his 50s, who moved to Coeur d'Alene, Idaho, shortly after the burglaries took place.

In the complaint filed yesterday by Santa Clara County District Attorney Ken Robinson, charged with burglary, the San Jose Center for the Law also has been named as the law firm that has been retained to handle the case.

He is also charged with participating in burglaries of the homes of Eugene Murr and Grace Murr, and other well-known San Jose labor leaders.

Assistant District Attorney Ken Robinson said the statute by which San Jose is not applying to Spiering as a felon to Ducote, because Spiering is a California law, which requires that the burglar be a resident.

Ducote, 43, a former Santa Clara county deputy sheriff, has been scheduled to go on trial in San Jose next Monday.

But he changed his plea before Santa Clara Superior Court Judge James Duvaras, and additionally pleaded nolo contendere to four counts of grand theft. The guilty pleas were to charges of concealing stolen documents.

Confessed political burglar Jerry Ducote won a key, but temporary, victory in San Jose Municipal Court yesterday.

Judge John Schartz, after a four-day preliminary hearing, refused to hold the 46-year-old former Santa Clara county deputy sheriff for trial on seven felony charges of concealing stolen documents.

The documents were taken in a string of 17 burglaries nine years ago.

"To me, it seems (the three-

year) statute of limitations has long run," the judge said.

Prosecutor Ken Robinson of the Santa Clara county district attorney's office argued valiantly that Ducote, as recently as 1975, had "indulged in the rewards of concealment" by attempting to sell back the documents, thus setting the statute limelock in motion again.

The judge also expressed concern that the documents—which Ducote says he stole in a grower-financed plot to

discredit farm labor leader Cesar Chavez—may have been illegally seized by state investigators, who look them November 13 from the garage of Ducote's ex-wife without a search warrant.

Those two questions of law will be litigated next in San Jose's Superior Court, where the prosecutor said he will refile the seven counts of concealing stolen documents.

Ducote, free on \$20,000 bail, is scheduled for arraignment in Superior Court January 23 on 15 counts of grand theft.

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Political Spy Guilty

In a surprise move, political burglar Jerry Ducote yesterday changed his plea to guilty of seven felony counts arising from his espionage activities in the late 1960s.

Ducote, 43, a former Santa Clara county deputy sheriff, had been scheduled to go on trial in San Jose next Monday.

But he changed his plea before Santa Clara Superior Court Judge James Duvaras, and additionally pleaded nolo contendere to four counts of grand theft. The guilty pleas were to charges of concealing stolen documents.

Ducote has claimed repeatedly that he thought he was burglarizing the offices of such groups as the United Farm Workers union at the behest of the FBI.

After changing his plea, he told a reporter, "I was the fall guy," and added "I'm going to cooperate fully with the authorities and name names, name those who were involved" in the operation.

The FBI has said it had no connection with Ducote.

Ducote said he had been

hired in the late '60s by some growers who, he said, wanted him to obtain evidence that would link UFW head Cesar Chavez to the Communist party.

Ducote's attorney, Tom Saliccia, said "there were a lot of problems in this case that would make it very difficult to try, specifically the disappearance of witnesses and the lack of cooperation from law enforcement agencies, especially the FBI."

Ducote will be sentenced June 24. He faces a maximum of ten years on each count.

Judge Schartz said he planned to decide today whether Ducote should also be charged with seven counts of concealing stolen property. Ducote, arrested December 22, has been free on bail since Friday, when his \$100,000 bail was reduced to \$20,000. The \$20,000 bail was posted by his mother, Eulalia M. Ducote.

Ducote Trial Ordered

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