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MISS. BOMBING APPEAL VIEWED

High Court Hears Arguments of Lawyers

By JAMES H. DOWNEY

JACKSON, Miss. (AP) — The Mississippi Supreme Court is considering the appeal of Thomas Albert Tarrant III of Mobile, Ala., who was convicted and sentenced to 30 years in the state penitentiary for the June 30, 1968, attempted bombing of the home of a Meridian Jewish leader.

The court Wednesday heard arguments on the case, in which the self-styled Ku Klux Klan guerrilla fighter was convicted of attempting to place a device containing 29 sticks of dynamite at the home of Meyer Davidson.

Tarrant, 23, was convicted by a Lauderdale County circuit court jury in November, 1968. He is presently serving the sentence in the state penitentiary at Parchman.

His attorneys, Roy Pitts and Thomas Haas, argued his case before the high court in their request for a reversal of the conviction and a new trial.

They argued that the circuit court refused to grant an in-depth mental examination for their client to determine his sanity despite testimony by a psychiatrist that the examination was warranted; that the court refused to grant a change of venue despite "massive publicity" that could have prejudiced jurors; that the device Tarrant was convicted of bringing to Davidson's home was not a bomb; and that the psychiatrist who examined Tarrant violated the defendant's rights by testifying that Tarrant admitted committing some of the acts of which he was accused.

The high court took the case under advisement. Court sources indicated a decision could not be expected before early February.

Haas told the court that Dr. Claude L. Brown, a Mobile psychiatrist, had examined Tar-

rants and pronounced him insane, recommending further examination. Despite this, Haas said, the circuit court judge refused to grant a continuance or to allow further examination of the defedant.

Brown's testimony, under cross-examination, that Tarrant had admitted committing some of the acts of which he was accused "deprived the defendant of his rights in view of the fact he had pleaded innocent," Haas contended.

Pitts argued that although the device carried by Tarrant when he was approached by police officers on a stakeout at the Davidson home contained a timing device and dynamite, it could not be classified a bomb under the law.

"It's got to be something that will go boom. . . that can and will explode under some circumstances," Pitts said.

"This man did not have a bomb. He may have had something that could have been made into a bomb, but he did not have a bomb."

Assistant Atty. Gen. Wade Creekmore Jr., representing the state, argued, however, the device was indeed a bomb.

"There could be no doubt in the mind of a reasonable man that 29 sticks of dynamite, a clock, a battery and some wires in a cigar box constituted a bomb," Creekmore said.

The state's attorney also contended that the publicity surrounding the Tarrant case was not as extensive as the defense contended. In addition, six months elapsed from the initial publicity at the time of Tarrant's arrest and trial. Thus, he said, there was no justification for a change of venue.