

Suits and Trials—Including That of Hobart College for Coercion—Have Followed Tommy the Traveler

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CANANDAIGUA, N. Y., Feb. 7 — Shortly after 1 A.M. last June 5, Ontario County sheriff's deputies and Geneva policemen, accompanied by a campus undercover agent, arrested three students in a drug raid on Hobart College, a 150-year-old Episcopal college.

The raid, directed by Ontario County Sheriff Ray O. Morrow, led immediately to a confrontation with 500 angry students and, eventually, to a spate of investigations and litigation.

The events since that raid have also accentuated the friction between the residents of the city of Geneva, a Finger Lakes community 17 miles from here, and the liberal arts college, which was started by upstate gentry in Geneva in 1822.

Throughout the inquiries and litigation has run the enigmatic figure of Thomas (Tommy the Traveler) Tongyai, the 27-year-old police agent who posed as a campus radical and whose unmasking during the Hobart raid led to many of the ensuing complications.

College on Trial

Tomorrow the trial of the college on criminal charges of coercion — believed to be the first time that a college has been charged with criminal activities relating to a campus disorder — will enter its fourth day in Supreme Court in this county seat.

A special grand jury set up last summer by Governor Rockefeller to look into the raid and its aftermath indicted the college as a corporate entity on Dec. 18 charging that it had "recklessly tolerated" threats by students to riot if the police did not release the three students arrested in the drug raid.

Specifically, the four-count indictment says that threats instilled "fear" in Sheriff Morrow and Ontario County District Attorney Willard C. Best and had caused them to violate their duties as public servants by releasing the students and granting them amnesty.

What follows is a summary of events leading up the college's indictment that has been pieced together from testimony at the trial, various reports and interviews.

School Not Consulted

Sheriff Morrow's drug raid

dormitories that Mr. Tongyai, who was armed with a revolver during the raid although he had not had police training, was a county police agent.

Students Vandalize Cars

About 500 students surrounded two parked police vehicles, one of which was carrying Mr. Tongyai. The incensed youths defaced and vandalized the vehicles and refused to let the occupants out. According to testimony, some of them shouted obscenities at the policemen and threatened their safety.

Dr. Causey and Mr. McKean both testified at the trial that they feared a tragedy like the death of four students at Kent State University. Sheriff Morrow, District Attorney Best and other policemen also testified that there was a fear of bloodshed and that Mr. Tongyai was particularly endangered.

An agreement was worked out in which the arrested stu-

dents—Michael V. Miles, Christopher Zaglio and David Stratton— would be released and would not be subject to prosecution. The agreement was signed by Anthony L. Cecere, the chief county detective, at the direction of District Attorney Best.

Among those who negotiated the amnesty pact were John R. Krause Jr., a 31-year-old political-science instructor at Hobart, and Bruce Davis, 20, and Rafael Martinez, 37, who were then students. The three are described in the indictment against the college as the persons whose conduct the corporation "recklessly tolerated."

Agreement at 4:30 A.M.

The agreement was announced to the crowd shortly after 4:30 A.M. and the demonstrators permitted those trapped in the two police cars to leave the campus.

The freeing of the arrested students provoked criticism from many residents of Geneva, some of whom were convinced that the campus was a drug haven and a hotbed of promiscuity. The disenchantment with the school by some townspeople prompted several of them to picket commencement exercises with signs admonishing the college to "clean it up or close it down."

The college community was incensed that a "spy" had been placed in its midst and interest in Mr. Tongyai grew almost in

proportion to the lack of information available about him.

Finally, Mr. Rockefeller appointed two former assistant district attorneys for Monroe County, E. Garrett Cleary and Leon N. Armer, to direct a special investigation. He also called for an extraordinary term of State Supreme Court that is being held by Justice Frederick M. Marshall.

Adam Walinsky, who was running at the time, for State Attorney General, undertook an investigation. So did Joseph Rhodes Jr., a member of the President's Commission on Campus Unrest, headed by former Gov. William M. Scranton of Pennsylvania.

In a confidential memorandum to the commission dated Aug. 10 that is in the commission's archives in Washington, Mr. Rhodes gave Mr. Tongyai's full name as Momluang Singkata Thomas Tongyai N'Ayau-dhya.

Father an Intelligence Agent

According to the report, Mr. Tongyai was born Jan. 14, 1944 in an Army hospital at Fort McClellan, Ala. He was the son of a native of Thailand who worked with Army intelligence during World War II.

The report said that students from a number of upstate college said they knew of Mr. Tongyai as Tommy the Traveler, a radical who said he was an organizer for Students for a Democratic Society and other leftist groups.

Last winter alone, the report says, Mr. Tongyai was seen at the University of Rochester, Cornell, the State University College at Oswego, Wells College, the Community College of the Finger Lakes, Auburn Community College, Keuka College and Hobart.

He was characterized by students, the report said, as advocating "the bombing of university buildings, violent revolution, overthrow of the United States Government, and the beating and killing of policemen."

'Far From What They Expect'

In an interview in The Geneva Times dated June 11, which he once referred a reporter to as accurately reflecting his views, Mr. Tongyai said: "The best cover for an undercover agent who wanted to get on the campus was portraying the part of a radical

extremist which I did. That way you are so far from what they would expect a law-enforcement officer to be, you can pretty well get in and start moving around."

Several students claimed that Mr. Tongyai was linked with a fire-bombing of the Hobart Reserve Officer Training Corps building in May. The special grand jury cleared him of any wrongdoing on Nov. 25, however, refusing to indict him on charges of conspiracy to commit arson, criminal solicitation and criminal facilitation in the fire-bombing.

A few weeks later the grand jury recommended that the police stop using inexperienced undercover agents because such work "involves skills and risks not usually encountered in ordinary police work." Mr. Tongyai is currently enrolled in a police science course at the Finger Lakes Community College.

In July Mr. Tongyai was arrested and charged with receiving about \$700 in state unemployment checks during an 11-week period in March, April and May when he was in the employ of the sheriff's office, reportedly at a salary of \$75 a week. He has not yet been tried on the charges.

To date the grand jury has not released a report on its investigation of Mr. Tongyai's activities. On Dec. 1 it indicted Mr. Krause and seven Hobart students on charges ranging from drug possession to riot. Mr. Davis and Mr. Martinez, a former resident of New York City with a history of participation in civil-rights protests, including several arrests, were among the students named.

Still another court suit stemming from the events of June 5 was brought last summer by Mr. Davis, Mr. Martinez and Sean Campbell, 22 in United States District Court at Rochester.