

Hobart Is Indicted By a Special Jury In Student Disorder

DEC 19 1970

Special to The New York Times

CANANDAIGUA, N.Y., Dec. 18—A special state grand jury indicted Hobart College in nearby Geneva today, charging that it had "recklessly" allowed two students and a professor to prevent the prosecution of students seized in a drug raid last June 5.

It was the first time, according to count officials, that a college had been indicted as a result of student disorders. Dr. Allan A. Kuusisto, president of Hobart and William Smith Colleges, said the case "promises to be a landmark for American higher education."

The grand jury, convened by Governor Rockefeller last summer, specifically charged that Hobart, "through two of its high managerial agents," had "recklessly tolerated certain conduct constituting the offense of coercion."

The indictment mentioned Beverley D. Causey Jr., then acting president of the colleges, and John R. McKean, dean of Hobart, but neither was indicted.

The indictment said Prof. John R. Krause Jr., 31 years old, of Geneva, and Bruce Davis, 20, of Denver and Rafael Martinez, 37, of Rochester, then both students, had prevented the police from jailing three other stu-

Continued From Page 1, Col. 4

dents arrested during the disturbance.

On Dec. 1 the jury indicted Professor Krause and seven students on charges ranging from drug possession to riot. Mr. Davis and Mr. Martinez were among the students named.

About 500 students were involved in the disturbance, according to officials. It began after the students learned the drug raid had been engineered by Sheriff Ray O. Morrow of Ontario County with the aid of an undercover agent, M. L. Singkata Thomas Tongyai, known as "Tommy the Traveler."

'Violence' Charged

The indictment alleged that the students threatened "physical violence to Thomas Tongyai and others," inducing Sheriff Morrow and the Ontario County district attorney, Willard Best "to violate" their duties as public servants.

The same special grand jury exonerated Mr. Tongyai on Nov. 25 of charges that he was involved in the fire-bombing of an R.O.T.C. building on the Hobart campus last May. He still faces a charge of collecting \$700 in unemployment benefits while working for Sheriff Morrow.

Ellsworth Van Graafeiland, a Rochester lawyer representing Hobart College, said he had not

yet studied the indictment but understood that two of the coercion counts against the college were felonies and two were misdemeanors. He said the penalties in such cases usually were fines and at that \$10,000 would be the top penalty in a coercion case.

A statement by Dr. Kuusisto said: "Our initial reaction at the colleges to the news of the indictment is one of shock, surprise and discouragement that our neighbors on the jury have chosen to take this unusual course of action with regard to these institutions."

The college president said that "on closer reflection" the case might be an opportunity "through the judicial process to clear up a lot of matters concerning the relationship of the college to the behavior of members of its community and to external agencies."

Dr. Kuusisto noted that because the indictment named the colleges as a corporate entity he would not comment on details of the case. He noted however, that it was the board of trustees of Hobart and William Smith who first asked Governor Rockefeller to establish the special grand jury that returned the indictment.

Hobart enrolls about 1,000 men students; William Smith

has about 550 women students on an adjoining campus and shares some facilities with Hobart.

The oldest Episcopal college in the country, Hobart was founded in 1822 by what its catalogue once described as "upper New York State gentry." It was named for an early Episcopal bishop of New York, the Right Rev. John Henry Hobart, and 29 of its graduates have become Episcopal bishops.

Continued on Page 23, Column 1