

Hobart Goes on Trial Over Campus Disorders

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CANANDAIGUA, N.Y., Feb. 2—Hobart College went on trial here today in what is believed to be the first time that a college has been taken to court on criminal charges in connection with a campus disorder.

The charges against the college, whose campus is nearby Geneva, are that it "recklessly tolerated" actions by students last June in threatening to riot if the police did not release three students arrested on drug charges.

Early in the morning of June 5, more than 500 students surrounded two police cars on the campus, defacing the vehicles and refusing to let the policemen who were trapped inside to leave the cars.

The students were particularly incensed that one of the vehicles was carrying Thomas (Tommy the Traveler) Tongyai, a slender, brooding 26-year-old campus undercover agent in the employ of the Ontario County Sheriff's office whose identity the students had discovered.

Fearful that the demonstration would result in bloodshed, the authorities were persuaded to release the three students booked on drug charges and grant them amnesty.

The issue generated wide controversy in this part of the Finger Lakes region and prompted Governor Rockefeller to appoint two special prosecutors and call an extraordinary term of the Supreme Court to

College Accused of Yielding to Students Who Had Been Threatening to Riot

investigate the matter.

The special grand jury, which is still studying Mr. Tongyai's activities — including charges that in his role as undercover agent he had fomented rebellion on the campus — returned a four-count indictment against the college as a corporate entity last December.

The indictment said that the college, by the actions of Beverly D. Causey Jr., then its president, and John R. McKean, the dean of men, had "recklessly tolerated certain conduct constituting the offense of coercion in the first degree," a criminal charge that contains a maximum penalty of \$10,000 in fines.

Neither Mr. Causey nor Mr. McKean has been indicted.

The indictment says that student leaders, including Rafael Martinez, a 37-year-old senior at the time who was present in the court room today, had threatened Mr. Tongyai with physical injury and had also threatened property damage.

These threats, the indictment said, had instilled "fear" in Sheriff Ray O. Morrow and District Attorney Willard Best and had caused them to violate their duties as public servants by releasing the three students, Michael V. Miles, Christopher

Zaglio and David Stratton.

Most of today was spent selecting the jury in the old-fashioned portrait-filled courtroom of Justice Frederick M. Marshall.

Leon N. Armer, a Rochester lawyer who is serving as one of the special prosecutors, described the events of June 5 before a dozen specators and ended his presentation to the jury by saying: "You will be asked to determine that the corporation through its officers recklessly tolerated this conduct."

Ellsworth Van Graafeiland, a Rochester lawyer defending Hobart, said that Sheriff Morrow had not notified any college officials that he was planning a drug raid on the campus.

'All Hell Broke Loose'

Tommy the Traveler was in the raiding party, Mr. Van Graafeiland said.

"He was not only there but he had a gun, just as big as life," he added. "The minute the kids saw Tommy the Traveler all hell broke loose."

The only witness called was Mr. Morrow, who was wearing a bright red sports jacket. He described the vandalizing of the police cars, which he said had been accompanied by foul language aimed at the police.

Under questioning by the college's lawyer, Mr. Morrow said that both Mr. Causey and Mr. McKean had responded to his request to try to mollify the students but that their attempts had been futile until it was decided to grant amnesty to the three arrested students.