

NYT

Justice for the Campus

The recent acquittal of Hobart College of charges brought by a special grand jury in Canandaigua, N. Y., finally ended an absurd distortion of criminal law. The college had been accused of having "recklessly tolerated" threats by students to riot unless three of their fellows were released from jail after a drug raid.

It appeared evident from the outset that the college, far from being reckless, had agreed with police officials that the best way to avoid property damage and possible bloodshed was to free the prisoners who were not, by any stretch of the imagination, a public menace. Since the police felt unable to cope with the riot threat, it was the height of irrationality to charge the college administration with failure to do so.

The grand jury's charges against Hobart were especially odious because the students' wrath was triggered less by the raid than by the key role of an undercover police agent who had posed as a radical student—an agent suspected of having instigated illegal and even violent acts at a number of colleges and universities. Although the grand jury investigated the activities of Thomas Tongyai, better known as "Tommy the Traveler," it merely complained that he lacked the skills necessary for secret police work. No question was raised about the propriety of using an *agent provocateur* on campus.

Illegal acts by students, whatever their nature, ought to be subject to the same judicial process and penalties as crimes committed by any citizen. But the grand jury reports that emerged from the investigations at Kent State and Hobart grossly distorted the normal standards of justice. In both instances, the courts that weighed these reports found a lack of reasoned judgment and an absence of even-handedness on the part of the respective grand juries. When citizens on such important panels fail to divest themselves of personal prejudices and vindictive attitudes toward the campus community, they only further undermine students' already shaky confidence in the system of law and justice.

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