



Drawing by Rick Meyerowitz

The Agent Provocateur As Folk Hero

By Frank J. Donner

In addition to press and periodical sources, this article is based upon a confidential report by Joseph Rhodes, Jr. to the Seranton Commission (the "Rhodes Report"), the transcript of the trial of Hobart College, and a series of 45 interviews with students and others conducted by the writer and Marc N. Weiss, who has produced a documentary film on Tommy's activities on the Hobart College campus.

Tommy the Traveler is one of the most remarkable provocateurs in the annals of political espionage. For more than two years he traveled among the colleges and universities of Western New York State, encouraging students to kill police, to make bombs, to explode buildings. Nearly all his violent schemes failed. But the students who resisted his advice and exposed him as a planted agent are now being prosecuted in the courts of New York State while Tommy himself remains free. As a crowning irony, Tommy's enthusiasm for "police work" has won him a job over a number of rivals as a policeman in a Pennsylvania town.

Tommy's story renews in our time the classic formula of the political provocateur who "corrects fortune" by committing the crimes which his political stereotypes impute to his targets. These same stereotypes about the political behavior of students led a grand jury to shield him from the consequences of his lawless behavior. Even more disturbing is the grand jury's suppression of the role of the Federal Bureau of Investigation in the affair.

Everyone knows by this time that from mid-March until early June, 1970, Tommy worked for Sheriff Ray Morrow as a narcotics agent on the Hobart campus. But Tommy's role as a political informer for the FBI has been either ignored or suppressed. Probably there are officials of the FBI who are now displeased with Tommy. One of the documents stolen from the FBI's office in Media, Pa. seems intended to warn FBI men against people like him: "There have been a few instances of when security informants on the New Left got carried away during a demonstration,

assaulted police, etc." The document advises the FBI's supervisory agents to exert "control" over such informants: "They should not become the person who carries the gun, throws the bomb, or by some deeply violative act becomes a deeply involved participant."

The memorandum's statement that there have been only "few instances of provocation" is, I believe, grossly inaccurate. But more serious is the implication in the document that informers are subject to "control," that they are cool operatives doing their job; and, if they become provocateurs, this means only that they have been carried away for a moment. Tommy's history shows how unrealistic such reasoning can be. The "control" theory ignores the strange drives and hostile passions that cause people to act as spies in the first place, as well as the ways in which the atmosphere of risk in which they work is likely to intensify such feelings. As the informer becomes more "involved," new and terrible energies may be released in him. The need to preserve his "cover" gives him a pretext to act out hatred and rage, washing away the cautions prescribed by his "controllers" or "handlers." The notion that the political spy can hang his clothes on the hickory limb of involvement but avoid the water of provocation is a comforting but dangerous fiction.

Who is Tommy? Probably we shall never know much about him. He has consistently declined to be interviewed but has recently announced that he has sold his "life story" to a magazine. His full name is Momlaung Singkata Thomas Tongyai N'ayaudhya, and he claims to descend from Thai royalty. He was born on Jan. 14, 1944 in Garver Hospital at Fort McClellan, Ala., where his father, a native of Thailand, was serving in the U.S. Army, assigned to intelligence. In 1962, after graduation from high school in Bucks County, Pa., Tommy enrolled in a New Mexico school which offered rodeo courses. He soon dropped out and in January of 1963 took a job with a touring rodeo show which ended six months later

when he was thrown from a horse and injured. He entered a small college in the Delaware Valley, completed only one or two semesters and after trying several jobs went to work as a salesman for a veterinary drug house. In 1967, he moved with his wife and child to upstate New York, his new sales territory.

Sometime during 1967 he lost this job and became an undercover "security informant" for the FBI. From May, 1969, to January, 1970, he worked for the J.A. Webster Drug Co. The company refused to discuss his work with Scranton Commission investigators, and it seems likely that it merely provided Tommy with a cover.

Before he surfaced in June, 1970, Tongyai traveled around a circuit of about 20 colleges and universities in Western New York State. He became friendly with SDS and other radical groups at Cornell, Rochester and Buffalo and was in fact elected to the SDS steering committee at Rochester. During the late sixties the militants at the large urban universities tended to think of the small campuses in their region as underdeveloped "colonies" which could be "radicalized" not only by the example of political action but by well-known visiting speakers, by invitations to conferences, and by "travelers" who would organize and bring the message to the organizations.

Tongyai soon came to be called "Tommy the Traveler" because he posed as, and sometimes really was, an emissary from the university SDS organizations to the smaller colleges. He was never taken very seriously by the large urban SDS groups, which seem to have regarded him mainly as a *fantasiste* hanger-on. But he got from them films, pamphlets and news of coming SDS "actions" and "guerrilla theatre." These he used, and often wildly distorted, in order to impress the students on more than a dozen smaller campuses including Keuka, Auburn, Corning, Wells, Alfred, and especially Hobart College in Geneva, where he was finally exposed.

He was admirably suited to his role as a hinterland political proselytizer. His own political ignorance made him most at home among the young, the idealistic and inexperienced, whom he found it easy to impress with tales of his revolutionary achievements and to deceive with a succession of invented identities. His oriental background and appearance gave him a sympathetic hearing. Dark, tense and high-strung, he had a way of bursting out in boyish spurts of enthusiasm, which made him sound very spontaneous and sincere. Along with the boyishness went a breezy diligence—qualities one associates with the winner of the Jaycees' young-man-of-the-year award. Like the salesman he was, he pursued each important protest activity on his far-flung campus circuit as a hot prospect. He had a way of turning up whenever any important "action" took place. For all of his Thai origins, he comes through as a version of a Booth Tarkington all-American

boy. Some students thought that his real name was "Tom Traveler." He told others who knew his Thai name that he wanted to be known as "Tom Thomas" or "Tom Travis."

Tommy first turned up as a salesman of revolutionary radicalism at Keuka College, a women's college at Penn Yan, N.Y., where his wife was taking courses. He frequented the dormitories asking girls for dates and boasting that he was a Crown Prince of Thailand who was living in rural New York in order to escape the boring ceremonial life of the Thai Royal Court. He told others that he was in temporary exile and preparing to return to Thailand to overthrow its government. He often claimed that his revolutionary activities had made him an FBI target.

In the fall of 1967 he joined a college peace group at Keuka which was picketing the ROTC building on the campus. He urged the group to be more aggressive; by the spring of 1968 he was bringing in speakers from the SDS chapter and the "Rochester Resistance" group at the University of Rochester. A Keuka student who claims to have known Tommy recalls that even at that early date "the only politics Tom ever spoke about were violence and bloody revolutions. He felt that anything less would take too much time."

In the fall of 1968, Tommy appeared on the Hobart campus in Geneva, N.Y., in the company of Cornell SDS leaders, and tried to organize an SDS chapter. Hobart and its woman's college, William Smith, were founded by the Episcopal Church and have about 1,500 students. Hobart has had a reputation for quiet liberalism and respect for pacifism. Geneva is a town of about 17,000 people; most of the voters are Republican or Conservative. Instead of joining SDS, the students preferred to form their own more moderate group, the Hobart Student Movement. Tommy tried to make himself the political mentor of the new group, urging it to adopt more militant tactics, supplying it with speakers, literature and films. He arranged for its members to participate in SDS conferences which he helped organize in Rochester.

At a freshman orientation meeting at Hobart in early September, 1969, Tommy distributed thousands of pamphlets announcing the "Days of Rage" Weathermen action in Chicago to the students; he offered to provide students with transportation to Chicago a few days before the "Days of Rage" were to begin. After the demonstration, according to one student, "Tommy came up to me and told me how much fun he had kicking ass in Chicago. . . ."

Tommy avoided serious political or ideological discussions. He got by with revolutionary rhetoric and calls to action which impressed students in the provinces who were yearning to take part in active protests but were defensive and self-conscious about their non-violence and lack of political experience.

Few Buyers for Violence

But if Tommy's violent schemes fascinated some of the students, they were hardly ever persuaded to try them. Once when a group of students became involved in a discussion of non-violence, a student told me, "Tommy became extremely irate. He just sort of lost his mind and started beating his hands into his fists very sharply and jumping around the room very excitedly. In the beginning he was arguing against non-violence but eventually he became so inarticulate, so excited that all he could do was jump around the room and beat his hand into his fist really hard, and his eyes became wild. He just couldn't control himself and we thought he was going to hit someone." He would excitedly rush into a student's room early in the morning and yell, "Hey, did you hear about the latest action at Rochester (or Buffalo or Syracuse)?" He would then describe some violent acts by students in the big city, which often on investigation turned out to be exaggerated or invented. As one student recalled, "He was really turned on by violence, especially bombing. You should have seen him when he announced the Madison, Wisc., physics lab explosion. He looked like he had heard the

best news in the world."

There was hardly a radical endeavor to which Tommy did not attach himself in the hope of pushing it in a violent direction. In the academic year of 1969-70, the students at Hobart tried to seek a voice in faculty deliberations, to "open up the faculty to the community." Tommy "showed up out of nowhere" and "tried to take over . . . he decided that the best method was to break down the doors and to go in and take over the meeting right then and there. . . . Despite the opposition of the participants who were perfectly willing to wait for the faculty decision before they did anything, Tommy twice walked into the faculty meeting and started shouting."

In January, 1970, when Congressman Stratton, a hawk, was scheduled to speak at the college, Tommy proposed a plan to kidnap him, which the students rejected. "Tommy then suggested that we get some huge iron chains and that we would hold the audience and Congressman Stratton hostage in the auditorium."

On another occasion a group of students planned to take over a classroom as a dramatic protest against apathy toward

educational and political issues. Most of the members of the group strongly objected to Tommy's coming. But he appeared in the classroom where the demonstration was to be held with "a machine gun, a Viet Cong flag, and the fetus of a pig. He was really trying to be disgusting and he succeeded."

Tommy also played a prominent part in the November, 1969, rally at Dupont Circle, which was conceived as a militant alternative to the mass demonstration at the Washington Monument. Equipped with a crash helmet, dark glasses, walkie-talkie, and a Viet Cong flag, Tommy shouted at the demonstrators to march on the Viet Nam Embassy. When he returned to the Hobart campus, he condemned the tactics used in dealing with the police. As one student leader, Roger Tobin, said, "He kept trying to show us how we should have done it tactically and was drawing, literally, these little football diagrams, X's and circles. . . . He said that what we should have done is not run for the policemen head on. Six or seven of us should have taken one policeman off into a corner, kick the shit out of him, then come back and get another policeman and take him off into the corner and kick the shit out of him."

Tommy regularly supplied Tobin with films. When these films were shown, Tommy would shout, "Kill the pigs." Reports from other colleges on Tommy's circuit confirm Tommy's enthusiasm for this slogan. He insisted that the ability to deal violently with the police was proof that a movement was really "together."

He also told Scott Schiverton, a student at a community college in Canandaigua, N.Y., that the student body would be radicalized only by an "action" which brought in the "pigs." "He said," Schiverton remembers, "that we had to go out and shoot the fucking pigs . . . people who don't agree with the revolution should be lined up and shot."

Tommy's passion for violence was not confined to words.¹ One student, Stan Kaltenborn, recalls: "He had a grenade in his car; it looked real and had a pin in it. He used to brag about how he [would] . . . pull the pin and roll it in the bars. After that the people would come scrambling out and he would pick it up and get out before

anybody could call the police." He enjoyed rolling the grenade around in a parking area or a dormitory hall.

When students objected to this game, he argued that it was "great guerrilla theatre" and it should be repeated before a larger audience in the student union or a faculty meeting. He bragged about his guns and how he always had guns in his car and how he had tons of them in his apartment. He would invite students he met to come to the woods with him to learn how to operate an M-1 carbine.

But Tommy's specialty was bombs and other explosives. "He once told me," a student said, "that he really liked bombs and he liked to go home at night and take them apart and put them back together again." According to a woman student who came to know him quite well, "He asked my brother to show him how to make a timing device for a bomb. He said he'd pay him to show him how." He urged students to save film cans and certain kinds of plastic bottles because they made excellent containers for bombs.

At least a dozen students have stated that he tried to induce them to make bombs and to explode them under his guidance. "He told me he could show me how to make the bomb and we could set it off in a field and he could get me out of the country - if I was afraid - through the underground."

He systematically cultivated students he thought were radical enough to be interested in bombing a building. A student recalls, "Tommy twice brought live bombs into my room. He showed us what they were and wanted to know if we wanted to use them." This student describes the bombs as pipe-like devices, half-inch around and some six inches in length. When he saw them, he said, "I was really scared. I told him to get out of my room." Tommy became a sort of Pied Piper of explosives: "He had a bottle filled with black powder. And, like I've seen black powder before because I used to work with rockets and stuff, and he had a fuse on it and he went and put it out in the snow and he set it off and it didn't go off because it was too wet. And he had an M-1 rifle at the time. Me and the other kid fired and he fired it."

Beginning the Bombing

He taunted black students with the charge that they were not really blacks, but Uncle Toms, because they had not burned or taken over a building. He repeatedly offered them bombs to blow up campus buildings and guns for use in a takeover of such buildings. In April of 1970, a few days before a general student meeting was to be held, he approached Clarence Youngs, a black student leader, and suggested that he set off a few dynamite charges under the seats occupied by students, "to let the faculty and administration know that the students were really sincere about their demands for a change in curriculum." When Youngs objected that the dynamite would endanger the lives of the students, he replied that, "it was just a small charge and it wouldn't hurt too many people." He induced another black student to join him in the woods in a firing session with his M-1 carbine after pointing out, "You should learn how to fire weapons if you're going to lead a revolution." During this session, he showed the student some flares which he suggested could be adapted for use as bombs; "if the policemen get too close, we could just blind them." Tommy insisted that the flares would work because he had used them on a dog.

In January, 1970, when David Dellinger of the Chicago 8 came to speak at Hobart, Tommy urged a number of students to bomb the ROTC office since everybody would be off the premises listening to Dellinger. A bombing, he argued, would be a rebuke to Dellinger's pacifism and also would demonstrate the superior revolutionary commitment of the bomber. When

his proposal found no takers, he revised it: "Why don't we just set off a bomb in the quad and let him know we're here. . . ." Undiscouraged, he approached Stan Kaltenborn: "Tommy came up to my room and said, 'Hey, I got a pipe bomb in the car. Why don't we go set it on the edge of the Administration Building and blow a brick out - just one brick. It's not a very big bomb, but it would really add a kick to Dellinger's speech'."

In late April, the Hobart students staged an orderly three-day sit-in. Tommy tried his best to "radicalize" it. He brought along a Viet Cong flag and a supply of walkie-talkies, which he handed out to the students. He tried to give the sit-in a "guerrilla" feeling by occasionally leaving the sit-in for a "recon" in the quad - a maneuver which produced amusement and irritation. He offered Kathy Venturino, a non-student who was the ROTC secretary, "\$100 or anything I wanted" to give him the keys to the inner ROTC office. He also asked her if she knew anyone on the campus who could make bombs with the material which he could supply.

He denounced the sit-in as "liberal crap." What students had to do, Tommy insisted, was to break the doors, destroy the files, and set the place on fire. As usual he urged bombing - first the dormitory area occupied by ROTC, then the Administration Building and finally a recruiting trailer in town. He was the outside agitator par excellence. He refused to leave the sit-in when requested to do so both by college authorities and by the students and falsely informed students who challenged him that he had received permission to stay as a member of the press.

On Sunday, April 26, at the conclusion of the sit-in, five freshmen met in a dormitory room to discuss the possibility of more aggressive tactics. They had no

fixed plan in mind, let alone a date; they thought the sit-in might be followed by such tactics as tying up telephone lines. Some of them were surprised at the presence of Tommy, a non-student and stranger. Tommy quickly took the initiative and suggested a variety of tactics to the freshmen: Why not, he said, destroy the ROTC files, by a fire or an explosion, or by dumping them in Lake Seneca?

"Tommy proceeded to pull out a coil of fuse that he had in his pocket and cut off about a foot and then stuck it through his cigarette . . . then about two minutes later the fuse was ignited from the cigarette. He told us that this was a very clever device for a time fuse and that we could also use that."

When the subject of explosives arose, at least one student clearly remembers that it was on Tommy's initiative and another that, "Before anyone actually suggested it, the ever-practical Tommy asked, 'Which do you want to use - black powder or firebombs?' But the students had no thoughts on the subject, having gathered solely to talk. Tommy reassured them, 'Never mind, we'll test them both'."

Tommy Surfaces

On Tuesday, April 28, the group, except for one, Neil Himelein, who had dropped out, heard a report from Bennett on the results of the tests. The freshmen again objected to black powder because of the danger of a dormitory explosion. According to Ilan Awerbuch, Tommy then pointed out "that gasoline wouldn't explode but [would] just burn." He explained that a Panther revolutionary "action" required his presence in New Haven on Friday, May 1. However, he pressed for assurances that a definite plan would be executed on that night. "He said he wanted to make sure we knew what to do when he left."

As soon as a provocateur has led his subjects into an irrevocable plan to commit a criminal act, the police, according to the usual formula, are put on notice. But in this case Tommy was thwarted by Nixon's Cambodia speech of April 30. Two of the students in the group decided to carry out the firebombing scheme early in the morning after the speech. An explosion took place in the ROTC office early the next morning. No one was hurt and the files were not burned. The police immediately identified and arrested them.²

Tommy was bitterly disappointed in this acceleration. He told Scott Schiverton that "he was really mad at Bennett because it took place a day earlier." He was also angry because Neil Himelein had quit the group. He told the others: "This is not a time to drop out. This is very bad."

Among those who were called for questioning on May 1, the morning of the bombing, was Rafael Martinez, an older student. A non-violent Christian radical and a long-time friend of the Berrigans and William Stringfellow, he was widely respected as one of the more serious and sophisticated students in the college community. When Martinez was questioned by the police on the morning of May 1, he noticed Tommy outside the police station. Tommy then tried to dash into the door of a nearby restaurant. Martinez had thought that Tommy was in New Haven. He had suspected Tommy of being a fishy character for some weeks. His odd behavior near the police station convinced Martinez that Tommy was an informer and a provocateur.

On May 6, Tommy reappeared on the campus, and he was again spotted by Martinez. Martinez was now certain that Tommy had instigated the ROTC firebombing. He informed Assistant Dean John Theismeyer that Tommy was on campus and Theismeyer asked Tommy to leave. Tommy and Martinez started shouting at each other: Martinez accused Tommy of being a police agent and Tommy hit him and threatened to kill him. "You're the one who's the pig," Tommy cried. Martinez and Theismeyer then went to the police station where Martinez swore out a John Doe warrant against Tommy (because of the uncertainty about his real name), charging harassment. The warrant was not acted upon until a few weeks later,

A short time earlier there had been a bomb scare at the ROTC headquarters and a security patrol was guarding the quarters. This risk was brought forward as a reason for taking no action "until things cool off." But Tommy overrode these reservations: "Let's make this a one-shot thing. Let's have a quick action, destroy the office and then forget it."

The next night, April 27, one of the members of the group, Ilan Awerbuch, was at nearby Keuka College where he encountered Tommy at a snack bar. Tommy told him that he and Gary Bennett, another of the five freshmen, had been testing explosives and firebombs in a field 10 miles outside of Penn Yan, N.Y.

According to Bennett, en route, Tommy stopped the car (in which he also carried a gun and grenade) and detonated the black-powder-filled plastic container which he had previously exhibited to the group on Sunday night. At the test site, they exploded another black powder bomb and a number of molotov cocktails. When some of the bottles of gasoline which Bennett tossed failed to break, Tommy exploded them with rifle shots.

even though Martinez gave the police a full description of Tommy, reported that Tommy had been seen lurking outside his apartment and supplied them with his license plate number.

During the following month Tommy stayed away from Hobart. The academic term was drawing to a close. Very few days remained in which the sheriff could get a return for his investment in Tommy. But in Geneva, N.Y. there is much political mileage to be gained from a drug bust of students. On June 5, 1970, a group of about 40 sheriff's deputies, detectives and plainclothesmen staged a drug raid at 1 a.m. on the Hobart campus. Three students were arrested on drug charges and two were detained, one for yelling "bust" and the other for yelling "pig" at Tommy who was seated in the first police car and was armed with a Luger. He had sworn out the search warrants for the raid.

The raid and arrests were the beginning of a new phase of Tommy's career. The student who yelled "pig" at Tommy voiced the disgust and anger of a large number of students. The raid itself (during exam period) had seemed vindictive and publicity seeking; the melodramatic timing, the large number of officers deployed to execute two search warrants, the failure to enlist the cooperation of the college. But what infuriated the students was that they had been betrayed and victimized by someone who had cultivated their friendship and, moreover, who had worked tirelessly to entice them into schemes of violence and bombing.

As the five arrested students were about to be taken off, about 500 angry undergraduates trapped Tommy and a city detective in a car, blocked the exit of the police raiding party, banged on the roofs, deflated tires and pulled out ignition wires. The captors became the captives as the students demanded that their five fellow students be released and that charges against them be dropped.

The crowd milled around as first the dean and then the student leaders urged them to take it easy. A few made threatening gestures at Tommy and taunted him to come out without his gun. The threat of violence was real, and the memory of Kent State and Jackson State troubled college administrators who had been belatedly called to the scene, as well as student leaders and police officials.³ As Sheriff Morrow put it a few hours later: "It was a very explosive situation . . . it was critical. There is no question at all somebody was going to get hurt." To avoid bloodshed, the police and college officials worked out an amnesty agreement with student leaders which embodied the students' demands.

When the affair ended at about sunrise, all hands were congratulating themselves that an explosion with possible fatal consequences had been averted. President Beverly Causey, Jr. on behalf of the college congratulated the police for their judicious handling of the matter and announced that

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the students were taking steps to pay for the damage to the police cars. He emphasized that the police difficulties had been exacerbated by the presence of Tommy, "an informer who had been a frequent

and unwanted visitor on our campus in the past few months, and the cause of much trouble." No one had disputed the conclusion that Tommy's presence was responsible for the demonstration.

Community Reaction

The amnesty agreement, however, unleashed a bitter chain reaction in the town of Geneva against the college and students. The firebombing instigated by Tommy had already done much to inflame feeling against Hobart. On Friday night some local rowdies invaded the dormitories. Over the weekend the incident received national press coverage and TV camera crews began to drift into town to cover the story that the local sheriff had a deputy who was the leading advocate of subversion and violence on the campus. Letters poured in to the local press, defending the police and attacking the college as a den of radicalism and drug abuse.⁴ The emerging facts about Tommy seemed to disturb only a tiny minority.

Mayor Simeone reported that during the week following the incident he received over 20 telephone calls from enraged citizens demanding action against the students and the college. On June 10, the County Board of Supervisors met in a closed session with Sheriff Morrow and the District Attorney. They issued a joint statement commending the police, rejecting the amnesty, condemning those who had negotiated it and demanding that the student violators of the law be investigated and punished. Members of the preceding county grand jury demanded that it be reconvened in order to investigate the incident. County Judge Kennedy questioned the authority of the police officers to cancel the search warrants he had issued without his approval.

In an interview on the CBS Reports on Friday, June 12, Morrow was asked to respond to the charge that Tommy had not only instructed his victims in the manufacture of bombs, but urged that they be used as a revolutionary tactic. Morrow replied, "There's a lot of difference between showing how to build a bomb and building one."

In Geneva the attack shifted to the TV networks when their coverage became embarrassing to the town: CBS and NBC were denounced as one-sided, Morrow claimed that his interview had been distorted. The mayor and a few hundred of his supporters took a full-page ad in the local press attacking the networks; a local rightist automobile dealer announced that he had personally been in contact with Agnew's office to denounce the bias of both NBC and CBS. ("They ignored completely the main issue . . . students broke the law and were not punished.") One of the principal complaints of the ad was that the networks had made "no mention . . . of reported rampant drug use and abuse on campus." The obsession with this issue — despite Tommy's limited success as a "narc" — seems a major factor in the town's response to the controversy.

During the week a local right-wing group and the American Legion made preparation to picket the Hobart commencement scheduled for June 14. All sectors of the community from high school students to the employees of the local American Can Company plant were solicited to participate in the anti-Hobart demonstration. Efforts by the college authorities to forestall the protest were fruitless. About 200 demonstrators marched within 75 yards of the exercises, chanting, "Clean it up or close it down." Hard hats with American flag decals and flag-waving picketers carried signs: "Up with America, down with Communism"; "One law for America, One law for Hobart"; "Welcome to the Silent Majority." Car horns disruptively blared.

But the commencement demonstration was relatively harmless. Three days before, on June 11, 51 policemen conducted a city-wide roundup which resulted in the arrest before dawn of four students who were charged with second degree riot and obstructing governmental procedures on the night of June 5. Two other students and a political science instructor were also charged with similar crimes and voluntarily

surrendered a short time later. Although these offenses are misdemeanors, bail in the case of three of the students (Martinez, Bruce Davis and Sean Campbell) was fixed at \$2,000 each. (Tommy's bail on the harassment charge was set at \$25.)

Martinez, Davis and Campbell were student leaders who played a prominent role in containing the June 5 demonstration. The theory behind the charges against them was that they had terrorized the law-enforcement officials and caused them to abandon their responsibilities. The students claim, with good reason, that they were made scapegoats because they were politically active.

Sheriff Morrow gave the game away when, in response to a query about how the four were selected from among the 500 or so students who were milling around, he blurted out, "Our officers know the boys. They knew each of the troublemakers ahead of time." Asked by reporters whether it was true that the arrests had been made, to appease the community clamor, he replied, "Not necessarily."

On the day before the arrests, Morrow had warned Martinez, "Watch out, we're going to get you." And a deputy who arrested Martinez taunted him: "You son of a bitch, god damn spic. You are big with 500 people in front of you, but you're a piece of shit alone." Campbell was arrested in the apartment of a friend and "unidentified capsules" were planted on him and listed among his belongings. When he protested that he was being framed on drug charges, an investigation revealed that the capsules belonged to his host, Tim Yolen, and were decongestant pills which the police had taken from a closed dresser drawer in his apartment. When Davis was arrested, a similar attempt was made to frame him on drug charges.

After their arrest, the students were threatened with being killed; they were taken on a wild ride from Geneva to Ontario County Jail in Canandaigua by a patrol car traveling at more than 90 miles an hour, an obvious attempt to frighten them. The student council treasurer who arrived to post the unusually high bail was, in the words of the Rhodes report, "given the run-around to Canandaigua and back"; his offer of bail was then rejected on a technicality in order to give the deputies time to subject the arrested students to involuntary haircuts and shaves. As soon as they were shorn, the bail was accepted.

Though the local press took little note of these proceedings, it did print the following: "Arrest of four students yesterday on riot charges has erased criticism leveled at police and city officials for nearly a week." Mayor Simeone said of the arrest, "It shows that the police are not asleep . . . The police were accused by many people of backing down at last week's confrontation. They should think twice before accusing these splendid men."

On June 11, in short, the town took its revenge on the networks, on Adam Walinsky, who was then running for a New York State office and had made an issue of Tommy in his political campaign, and on the students themselves. It marked the triumph of the rising and now rampant anti-college forces in the town, who not only defended Tommy, but made him a hero.

In the only formal interview he has ever given, Tommy explained to the press on that day, June 11, that he had surfaced voluntarily because "I didn't want to spend any more time portraying the extremist radical." He claimed that drug use on the Hobart and William Smith campuses was greater than on any other campuses he had known . . . and that there were more threats to security on the local campus "than people imagined." (He confided to a neighbor that the Hobart faculty was "60 per cent Communist.") As for his provocative acts, they were, he explained, a necessary cover.

Mayor Simeone denounced Tommy's

critics: "I don't know what they're persecuting this guy for. All police use undercover agents. If he overstepped the bounds, that's not for me to say." Sheriff Morrow insisted that the charges against Tommy were part of a student plot to divert attention from Hobart's drug problem and that the reason why Martinez's complaint against Tommy had never been processed was that Tommy had to protect his identity.

Tommy's supporters wrote to the Geneva paper:

"Tom Tongyai was merely doing his job. A teacher teaches, a doctor heals and a policeman polices . . . We should commend Tom Tongyai, not condemn him."

"Tommy, a most polite, gracious, respectable young man, hunts, fishes, golfs and skis with the many friends that he has made among several of the very best young family men in our city. Dinner parties, house to house, birthday parties for all their children, home movies made and shown and other good wholesome recreations highlight some of his family life."

"THANK GOD FOR TOMMY and please don't lose the pattern. It's my hope that the city and county authorities don't intend to use him as a scapegoat to appease the willful junkies and revolutionaries loose among U.S."(sic).

It is hardly surprising that when a student asked Tommy at the time of the raid, "Why did you do those things to us?", Tongyai replied, "Because I hate everything you represent."

In July, Tommy was charged with collecting over \$1,000 in unemployment insurance while receiving a weekly \$75 from the county under the cover name of Maxwell Smart. His local supporters raised \$1,000 in bail, claiming that, "somebody is out to get him." A short time later a local

judge acquitted Tongyai of Martinez's harassment charge. Despite the uncontradicted testimony of the two eye-witnesses to the verbal and physical attacks, the judge mysteriously concluded that there was no proof of an *intent* to harass or annoy Martinez.

In September of 1970, a special grand jury was convened in Geneva to review the events at Hobart. The grand jury has since issued several reports, indictments and statements, most of which show how concerned it has been to clear Tommy and to punish the students. The history of its work is instructive.

First on Nov. 25, the grand jury cleared Tommy of charges of "conspiracy, criminal solicitation and criminal facilitation" in the firebombing. It did not matter that there was reliable evidence showing that Tommy had converted amorphous discussions into a definite plan, that he had insisted the students do a "one-shot-thing" after an impasse was reached, that he offered to, and in fact did, test explosives and firebombs.

In February, the grand jury released a report which purports to show why Tommy was not indicted. The report makes no serious effort to weigh the relevant facts against the sections of the New York Penal Code which he violated. In fact no more than a handful of the dozens of students familiar with the facts about Tommy's activities were called by the grand jury. Most of them felt the jurors were so hostile that they would not listen. When Kathy Venturino, the ROTC secretary, told the grand jury that Tommy had not only offered to bribe her but also asked for the name of anyone who knew how to make bombs, her statement was dismissed with the comment, "I guess your sympathies are with the students."

Provocation Minimized

One of the five freshmen who ultimately dropped out of the firebombing affair told me: "I explained to the grand jury that I knew the students and that they never would have done it if Tommy hadn't pushed them into it. As I was talking, I could see their hard cold stares. I knew that they didn't believe me; that they didn't even want to listen. Finally I couldn't stand their hostility. I asked for a recess in the hope that the atmosphere would change. When we resumed, I said, 'Look just because I'm a student and have a beard doesn't mean I'm not telling you the truth.' There was dead silence for quite awhile, then the foreman said to me that they would consider my testimony very carefully."

Gary Bennett, who testified before the grand jury while he was serving an eight-month sentence for the firebombing, insisted that it was Tommy who converted the dissatisfaction with the passive sit-in into a bombing scheme, but "all the grand jury was interested in was casting me as the leader and minimizing the role that Tommy played."

Tommy could not deny that he had forced himself on the five students, but he explained this to the grand jury as a crafty maneuver to stop or divert anything that was "going to be pulled off." He admitted that he had pressed for a violent destruction of the files but simply as a means of forestalling a bombing. He made no reference (in the released testimony at any rate) to his brisk practical demonstration of the cigarette-fuse. He admitted that he had urged the use of black powder but said this was because black powder could not be obtained without a permit: The others would therefore be dependent upon him. He could then either put off obtaining it or dilute it with charcoal as to render it innocuous, as he had done in the past. In fact, black powder is the simplest explosive to make; the formula can be found in a high school chemistry text book.

Besides, Tommy's exploits with black powder hardly create confidence in his grand jury testimony that he pushed the black powder to prevent a bombing altogether. Tommy's freedom with the use of this explosive is revealed in the statement of an SDS regional activist, Karl Baker, that Tommy once volunteered to give him a nine pound can of black powder "that I

could use any way that I wanted." A Hobart student, Mark Smeraldi, revealed to me that Tommy boasted of his 10 pound can of black powder and that Tommy had made bombs from the powder which were the genuine article and not charcoal. "I've seen black powder and that was it . . . no matter what he did say [to the grand jury]." This story is corroborated by other students who had dealings with Tommy. When I asked Gary Bennett to comment on Tommy's testimony, he responded: "Tommy was always telling me that I could buy black powder without a license by crossing the state line into Pennsylvania. In fact he specially asked me to bring some back for him if I bought any."

As for Tommy's provocations, this is what the grand jury said:

"There is substantial evidence that during this period [i.e. after his engagement by Sheriff Morrow in mid-March] Tongyai advocated violent forms of protest (utilization of black powder, bombs, etc.) to the students and encouraged them to adopt such violent forms. Tongyai Tommy himself does not completely deny these allegations, but takes the position that while he did participate in discussions, he did not initiate or originate the discussions."

Prior to his appearance before the grand jury Tommy had not denied the public charges that he had initiated violent measures or contended, as he apparently did before the grand jury, that he was a follower and not a leader. When he was confronted with the claims that he had instructed students in the construction and discharge of bombs and explosives, he justified his conduct in this way: "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."

Indeed the grand jury heard from Tommy's own lips evidence which illuminates and explains his entire *modus operandi* as a promoter of violent acts.

Q. "When you went to the meeting on Sunday night were you convinced that all of the students were committed to doing something violent as far as ROTC was concerned?"

A. "I didn't actually at the time, I didn't really think that they would go through with it."

Q. "Well then, how do you justify the talking about black powder to them?"

A. "In case they would go through with it."

In short this deputy sheriff thought that his job was to lure the uncommitted into criminal conduct.

The grand jury seems to have been embarrassed by the publicity about Tommy. It issued a report in January of this year recommending that "persons without prior police training and experience" should not be used as undercover agents. Undercover work, the grand jury said, involves unusual "skills and risks" which require supervision and discipline. But it still found no occasion to pass judgment on Tommy's provocations. It finally got around to Tommy on March 1, when a report was filed stating that he should be "disciplined" (but not removed) because he failed to report the planned firebombing to the sheriff and because on June 5, "he left the search area without permission of his superior at the scene of duty and made two arrests on minor charges." This departure from his assigned duties constituted "neglect in office." This pathetic (and weird) slap on the wrist bears all the marks of a deal improvised between Tommy's law-and-order defenders and his critics on the grand jury. Determined to shield Tommy from criminal charges, the grand jury — or at least a majority of its members — seized on this petty misconduct to save its face by preserving an appearance of even-handedness.

On April 27 of this year the same grand jury made public a report which again refused to deal with Tommy's provocations but which recommended "disciplinary action" against Sheriff Morrow for "neglect in office" for hiring Tommy without ade-

quate investigation of his "background, temperament and suitability" and then failing to train him for his undercover job. Tommy was no longer the hero he had been, but to have acknowledged that he had provoked violence would have placed the students in an unacceptably favorable light.

If the grand jury was forgiving in Tommy's case, it was implacable toward the students and the college. Its contorted efforts to justify its benign treatment of Tommy by punishing others recall those of the Jackson State and Kent State grand juries.

On Dec. 1, the jury indicted an instructor named Krause and six students for rioting and obstructing governmental administration, among other crimes; the old misdemeanor charges of June 11 were now converted into felonies. Krause and two of the students, Davis and Martinez, had helped negotiate the amnesty and Sheriff Morrow made it clear that both of the students deserved to be indicted because they were student political leaders ("troublemakers") and not for any criminal acts. In fact, on June 5 Martinez had not arrived on the campus until about two in the morning. The Administration had appealed to him, as a student leader committed to non-violence, to help avoid bloodshed. Another of the indicted students was identified by a Geneva detective as having vandalized police cars. It was subsequently shown that he was not even at the scene.

When Martinez appeared before the grand jury he was asked:

"Are you a member of any left-wing organizations?"

"I have seen you collecting money for the defense of Angela Davis. Do you consider that to be non-violent?"

"Why did you ask that a warrant be sworn out for Tommy the Traveler?"⁵

College Indicted

On Dec. 18, 1970, the grand jury indicted Hobart College itself as a corporate entity. Borrowing from a New York statute concerned with commercial operations, it charged that the college, through certain of its "high managerial agents," "recklessly tolerated" the conduct of Martinez, Davis and Krause and was thus guilty of "coercion in the first degree." In effect the college was indicted because the president and the dean had been willing to negotiate the amnesty of June 5.

This was the first time in American history that a college had been criminally charged with responsibility for the misconduct of its students. For the grand jury, and for many in Geneva, the college had become a sort of institutional Fagin, steering the young to evil, alienating them from the traditional culture and sanctioning the drugs, beards and radicalism that were undermining patriotism and morality. If middle America is in despair about its children, the residents of small college communities can at least make scapegoats of the college or university for their own failures, frustrations and anxieties.

So can the police and the detectives who in Geneva seem driven by bitter feeling against the college and the students. The Rhodes report, for example, states that the police had a hand in organizing the June 14 commencement demonstration. The criminal information the police filed on June 11 was full of wild accusations, and the grand jury based both its indictment of the college and the escalated charges against the students primarily on testimony by the police, who evidently felt they had to "erase criticism" that they had "backed down" in the June 5 raid, and to find scapegoats for the claim that they were incompetent and had been humiliated. Moreover, the police identify with Tommy not only for ideological reasons but because he is a law man under attack by a common enemy, the hated students.

It is not surprising that the police found themselves in difficulty when the trial of the college took place in February. A Geneva

detective, Inspector Knight, had to admit that he had falsely identified an indicted student before the grand jury. He also testified that Krause, the instructor, had begged him (he was in plainclothes) for matches so that he could set fire to police cars.

Such testimony failed to impress the judge of the New York State Supreme Court, who quickly dismissed the indictment of the college. In doing so, the court noted that both the college president and the dean had cooperated with the police to avert danger, and, on their own "made several unsuccessful efforts to quiet and disperse the students." The court also concluded that it was irrational to expect the college authorities to cope with a threat that was beyond the power of the police.

The grand jury not only protected Tommy but also concealed the identity of the other "government agency" on whose behalf he conducted political espionage. When a *Time* magazine reporter in June of last year asked Sheriff Morrow about Tommy's background, the sheriff insisted that Tommy had been "highly recommended" and stated that he had promised not to identify the recommending agency. In an interview with a local newsman, Morrow was a little more revealing: He stated that it was a "reputable agency," "a higher enforcement agency." He added, "If I told you one word, that one word would explain to you what Tommy is and where he came from."

When he applied for a law-enforcement job with the sheriff of Bucks County, Pa. last January, 1970, Tommy listed as a reference Jerome O'Hanlon, the resident FBI agent in Geneva. This sheriff, when asked about Tommy's background, said, "I know he worked for a government agency, but I don't think he would want me to say which one." Tommy repeatedly refused to disclose the identity of the agency on the grounds that "national security" sealed his lips.

After he had surfaced as a deputy sheriff, Tommy told Dexter Bryce, a Hobart student, that although he had worked for Sheriff Morrow, "I'm mainly interested in the political goings on at Hobart College; I want to keep an eye on the radicals." He explained that "he was

working for a high government agency — that it should remain nameless, but he had a lot of contact with them." He then tried to recruit Bryce, and assured him that he had other students working for him as informers.

The grand jury report of Feb. 25 explicitly recognizes that Tommy had been an espionage agent. It states that Tommy had made an arrangement in March, 1970 with a sheriff "to continue to masquerade as an organizer" for the SDS as a cover for his narcotics investigations on the Hobart campus but that the information he supplied about drug abuse was minimal [my emphasis]. In order to conceal the identity of the agency on whose behalf Tommy had been masquerading all along, the grand jury released a paraphrased version of Tommy's testimony about "a contact he had had with a government agency and his interest in furnishing such agency with information of subversive activities. During this period, Tongyai was a sales representative for a large drug corporation in a territory covering western New York State. This position facilitated his ability to travel . . . and to establish and maintain relationships with various persons on college campuses in this area. Tongyai also testified . . . that he had notified a representative of this agency of the plans being discussed at the Sunday night meeting in Sherrill Hall and subsequent meetings he participated in. Tongyai's testimony in this regard was conclusively corroborated. . ."

Additional facts confirm the identity of the government agency Tommy was working for. In its March report, which I have already discussed, the grand jury noted that Tongyai had reported his knowledge of the firebombing, not to Sheriff Morrow but "to a member of another investigatory body whose action to avert the proposed arson was unsuccessful." This person clearly seems to have been the resident FBI agent, O'Hanlon, who testified extensively before the grand jury. He was plainly the "representative" who had been notified of the firebombing plans and who "conclusively corroborated" Tommy's relationship with the FBI.

A number of students I interviewed at Hobart indicated to me that O'Hanlon had notice of the meeting of the freshmen, the scheduled firebombing and the identity of the participants. Any surviving doubt about Tommy's prior employment is dispelled by the following statement in the answer issued by Sheriff Morrow to the charges of the grand jury on April 27 of this year:

"Mr. Tongyai was employed by our department on the specific recommendation of a fellow law enforcement officer who had previously employed him.

"As he had previously been satisfactorily employed in the same type of work, we accepted his previous work as sufficient experience in this type of investigation."

It is obvious that the FBI had used Tommy as an informer for a long time and had recommended him to Morrow. It is no small fact that a dangerous provocateur, a wholesale panderer of violence, for possibly as long as two years, enjoyed the sponsorship and favor of the FBI. And no attempt was apparently made to "control" his operations or discipline his excesses. On the contrary, he was so esteemed by the

FBI that he could call upon it for a recommendation.

Notwithstanding Tommy's continuing silence, we can try to better understand this frustrated rodeo rider and failed salesman. An Asian with an American Army upbringing, he hungered for identity and acceptance. His super patriotism and social over-conformity are the familiar badges of striving to deflect prejudice through "Americanism." When he was forced to surrender his gun to the authorities, he protested that the Communists posed a grave imminent threat to the country as well as to himself, which required that he remain armed. His delight in the uniform, power, status and the fantasy Dick Tracy world of the police also seems to reflect a yearning to participate in the American celebration from which he had been so long excluded and to do injury to its enemies. He told the press that he would rather be a law enforcement officer than work at something else and make "10 times more."

In all of his operations we find him acting over and over again a pattern of provocation based upon paranoid assumptions about his subjects' politics. We see this most clearly in his relationships to his "movement" contacts in Buffalo and Rochester. He compulsively proposed violent schemes which faithfully mirrored his simplistic notions of their politics and tactical concerns. At Buffalo he successively took aside each one of a group of SDS members and, swearing them to secrecy, sought to recruit them for a select "assault squad" based in Olean, N.Y. On other occasions he announced to the urban activists a plan for the formation of a "radical nation" which would have a base camp in the Adirondacks and would periodically swoop down on the surrounding countryside in guerrilla maneuvers. He had a passion for devising "survival techniques" (one of which included taking refuge in urban sewers), observation sweeps with high powered binoculars and schemes for infiltrating and surveilling the rightist "enemy" — the same forces with which he identified himself in private life.

These proposals found no takers in Buffalo and Rochester. Many experienced activists suspected him and told him off. Others were amused or reserved judgment. Some were impressed with his readiness to take risks in organizing radical actions even if they were outlandish ones. He was tolerated because of his usefulness as a provider of services, his status as a member of the "oppressed third world," as well as the reluctance of radicals to succumb to the "paranoia" of the straight society and their impression that he was a lost soul seeking identity in the movement. In short, in spite of his conventional appearance, his political fantasies and his far-out schemes, he survived as an agent basically because of a sense of radical brotherhood which legitimizes even the implausible imposter.

Who in the Bureau approved Tommy's recruitment and either guided or ignored his destructive activities? The FBI memorandum from which I quoted at the outset cautions that the possibility of provocation is a "judgment area and any actions which seem to border on it should be discussed." Who discussed Tommy's actions with him? The question, *quis custodiet custodes ipsos?* remains.

FOOTNOTES

1. The undercover police agent frequently presents himself as the "man of action," impatient with mere talk. This pose enables him both to conceal his intellectual shortcomings and to lead his targets into violent action. Violence thus serves as a "cover" which shields the plant from exposure as a political imposter. The burly "biker," the well-muscled bodyguard, the explosives connoisseur, the expert chauffeur — these have all served as police disguises which have betrayed radical groups, especially those self-conscious about their intellectual "elitism" and yearning for communion with "real people."
2. The two freshmen pleaded guilty to charges of reckless endangerment and received jail terms of eight months in one case and six months in another.
3. The June 5 confrontation was in some respects an "action" of the sort that Tommy had insistently promoted, minus bombs.
4. The incident was followed by a series of harassments by people in the town: trashing of faculty lawns, threatening phone calls to faculty members and threats to do physical injury to their children.

This is a sample of some of the letters to *The Geneva Times*:
"Hobart has humbled the law. Its goons and

dope pushers are above the law, and there exists no law enforcement agency with the ability to subdue the Hobart rebellion."

"The mob rules under [Hobart President] Causey, government by goon we have. The law lies dead and in the dust."

"Dope is in the saddle. Heroin is to be our diet. Opium is to be our hope. Addiction is to be our benediction, and our children are to be suckled on marijuana."

"Why are these Hobart students let go?"
"The police were 'told to buckle under to a bunch of punks.'"

"It is not too late for the parents of the younger generation to lay the rod on their exposed parts."

5. Martinez was interrogated and forcibly fingerprinted on the morning of May 1, as a suspect in the firebombing. He was also asked about the whereabouts of Dan Berrigan, who was then a fugitive. Tommy had previously requested Martinez to introduce him to Berrigan because he was a "real revolutionary." After he left the grand jury room, Martinez recalled that the woman who interrogated him had accosted him earlier on campus and denounced him as a "traitor" who "should be put in jail for the rest of your life and better still . . . should be hanged."

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